

#36

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 05.10.2015

CRL.A. 525/2008

SAVITA

..... Appellant

Through: Mr Sajan K.Singh along with
appellant in person.

versus

STATE

..... Respondent

Through: Mr Rajat Katyal, APP.

**CORAM:
HON'BLE MR JUSTICE SIDDHARTH MRIDUL**

SIDDHARTH MRIDUL, J (ORAL)

1. The present is an appeal under section 374 of the Code of Criminal Procedure, 1973 assailing the judgment and order dated 23.05.2008 and 24.05.2008 respectively convicting the appellant under Sections 489B/489C IPC and sentencing her to undergo rigorous imprisonment for one year.

2. Mr Sajan Singh, learned counsel appearing on behalf of the appellant, on instructions from the latter, states that in view of the finding arrived at by the trial court, the appellant does not challenge her conviction on merits. However, counsel contends that a lenient view may be taken and the appellant may be released on the period already undergone by her.

3. As per the prosecution, the appellant is stated to have used as genuine five currency notes of denomination of Rs.50/- each which were found to be counterfeit currency notes.

4. The appellant pleaded not guilty to the said charge and stated that she was completely unaware that the currency notes were counterfeit.

5. Mahatma Gandhi famously observed, “*hate the sin, love the sinner*”.

6. In **B.G. Goswami vs. Delhi Administration**, 1973 SCC (Crl.) 796, the Supreme Court observed as under:-

“Now the question of sentence is always a difficult question, requiring as it does, proper adjustment and balancing of various considerations which weigh with a judicial mind in determining its appropriate quantum in a given case. The main purpose of the sentence broadly stated is that the accused must realise that he

has committed an act which is not only harmful to the society of which he forms an integral part but is also harmful to his own future, both as an individual and as a member of the society. Punishment is designed to protect society by deterring potential offenders as also by preventing the guilty party from repeating the offence; it is also designed to reform the offender and reclaim him as a law abiding citizen for the good of the society as a whole. Reformatory, deterrent and punitive aspects of punishment thus play their due part in judicial thinking while determining this question. In modern civilized societies, however, reformatory aspect is being given somewhat greater importance. Too lenient as well as too harsh sentence both lose their efficaciousness. One does not deter and the other may frustrate, thereby making the offender a hardened criminal. In the present case, after weighing the considerations already noticed by us and the fact that to send the appellant back to jail now after seven years of the agony and harassment of these proceedings when he is also going to lose his job and has to earn a living for himself and for his family members and for those dependent on him, we feel that it would meet the ends of justice if we reduce the sentence of imprisonment to that already undergone but increase the sentence of fine from Rs 200 to Rs 400. Period of imprisonment in case of default will remain the same.”

7. I have perused the nominal roll qua the appellant. The appellant has already suffered incarceration for a period of twenty days out of the total sentence of one year rigorous imprisonment imposed on her by the trial court. Her conduct in jail has been satisfactory from the beginning the incarceration. The appellant is an unmarried young woman who stays with

her aged mother. The appellant is not a previous convict and was in her early twenties at the time of the commission of the offence.

8. In view of the foregoing, while upholding the conviction, the sentence awarded to the appellant, is reduced to the period already undergone by her.

9. The appeal is disposed of in the above terms.

OCTOBER 05, 2015
mk

SIDDHARTH MRIDUL, J

