

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASES Nos.1967 of 2007 & 347 of 2008

COMMON JUDGMENT:

1. Since both the revisions arise out of one and the same Sessions Case, they are heard together and being dispose of by this common Judgment.

2. Crl.R.C.No.1967 of 2007 is filed by A1 to A5, A7, A10 and A11 against the Judgment dated 28.12.2007 passed in Crl.A.No.70 of 2007 by the IV Additional Sessions Judge, Warangal, whereas Crl.R.C.No.347 of 2008 is filed by A6 against the Judgment dated 25.2.2008 passed in Crl.A.No.71 of 2007 by the IV Additional Sessions Judge, Warangal.

3. The case of the prosecution is as follows:

A4 to A6 are the close friends of A7. A3 has friendship with A7. A1 is a jeep driver and about three months prior to the incident, A1 was introduced to A7. A1 worked as driver on the car of A7. A4 to A6 decided to earn easy money and A7 advised them to make and circulate the fake currency notes. Subsequently, A7 along with A1 and A4 to A6 decided to purchase a colour Xerox printer to make counterfeit notes. According to their plan, A4 to A6 will purchase a colour Xerox printer and make the fake currency notes, and A1 and A7 will circulate the same in the market. Accordingly, about 25 days back, A4 to A6 purchased one printer at Ameerpet and started making the counterfeit currency notes in the denomination of Rs.500/- and 100/- with the printer, keeping it in the house of A4. A1 and A7 took Rs.68,000/- fake currency notes, of which they gave Rs.30,000/- to A8; Rs.15,000/- to A9; Rs.20,000/- to A10 and Rs.3,000/- to A11 at the ratio of two fake notes for one genuine note on

the agreement that to receive the genuine currency notes after circulation of given fake notes in the market. On 20.8.2004, A1 along with A2 and A3 went to the house of A4 where A4 along with A5 and A6 was making fake currency notes. A2 took Rs.49,000/-; A3 took Rs.5,000/- and A1 took Rs.2,000/- fake currency notes from A4 to A6 and left the house of A4 while A1 followed A2 and A3 to get them boarded the bus. A1 to A3 came to bus stand, Ghanpur (M) and were waiting for the bus. L.W.1-Sub Inspector of Police along with L.Ws.2 to 9 apprehended A1 to A3 under suspicious circumstances. L.W.1 interrogated A1 to A3 in the presence of L.Ws.10 and 11 and recorded their confessional statements and seized the printer. It is alleged that Rs.2,000/- of fake currency notes in Rs.100/- denomination were seized from the possession of A1; Rs.49,000/- fake currency notes in the denomination of Rs.500/- and Rs.100/- were seized from the possession of A2; Rs.5,000/- fake currency in the denomination of Rs.500/- and Rs.100/- were seized from the possession of A3 and Rs.3,900/- in the denomination of Rs.100/-, two knives, one steel scale and one silver colour pencil, which were being used in making the fake currency notes, were seized from the possession of A6. Further, it is alleged that one printer was seized from the possession of A4, and 59 sheets each having 3 fake currency notes (uncut) and 46 blank bond papers were seized from the possession of A5. On the report given by L.W.1, L.W.16 registered a case against the petitioners and others. After completion of the investigation, charge sheet was filed.

4. The learned Judicial Magistrate of First Class, Mulug took the case on file for the offence under Sections 489(A)(B)(C) and (D) IPC and committed the same to the Court of Sessions. The learned Sessions Judge, Warangal took the same on file as S.C.No.460 of 2006 and made over the

same to the Court of II Additional Assistant Sessions Judge, Warangal for disposal.

5. The trial Court framed charges under Sections 489-A r/w 149 IPC, 489-B r/w 149 IPC, 489-C r/w 149 and 489-D r/w 149 IPC against the accused, read over and explained to them in Telugu, for which they pleaded not guilty and claimed to be tried.

6. During the course of trial, P.Ws.1 to 12 were examined and Exs.P1 to P14 and M.Os.1 to 12 were marked on behalf of the prosecution. No oral or documentary evidence was adduced on behalf of the accused.

7. On appreciation of both oral and documentary evidence, the trial Court found A1 to A7, A10 and A11 guilty for the above charges, convicted and sentenced each of them to undergo rigorous imprisonment for a period three years each under each count and to pay a fine of Rs.100/- each in default to undergo simple imprisonment for one week each under each count. All the sentences shall run concurrently. Aggrieved by the said Judgment, A6 filed Crl.A.No.71 of 2007 whereas A1 to A5, A7, A10 and A11 filed Crl.A.No.70 of 2007 before the IV Additional Sessions Judge, Warangal. The said appeals were dismissed. Hence, A6 filed the above Crl.R.C.No.347 of 2008, and A1 to A5, A7, A10 & A11 filed Crl.R.C.No.1967 of 2007.

8. Learned Counsel for the petitioners submitted that except the police officials, all other witnesses turned hostile and that there is no independent evidence in support of the case of the prosecution.

9. Learned Additional Public Prosecutor submitted that there are no grounds to interfere with the judgments under revisions.

10. From the material on record, it is evident that the evidence of P.Ws.1 to 4, 11 and 12 is very consistent and corroborative and their evidence establishes that the petitioners were found in possession of counterfeit currency notes. Nothing was elicited from the cross-examination of the above witnesses to disprove the case of the prosecution. Except stating that the petitioners were falsely implicated in the above crime and that the articles alleged to have been recovered from them were planted by the above witnesses, no reason was given by the accused for such false implication by the police officials. The evidence of the above prosecution witnesses clearly establishes the case of the prosecution. This Court does not find any ground to interfere with the Judgments under revisions.

11. At this stage, the learned Counsel for the petitioners submitted that the petitioners were in prison for a considerable period and therefore, a lenient view may be taken.

12. In view of the above submissions, this Court is inclined to modify the sentence of imprisonment.

13. In the result, the conviction recorded by the Courts below against the petitioners- accused No.1 to 7, 10 and 11 for the offence under Sections 489-A r/w 149, 489-B r/w 149, 489-C r/w 149 and 489-D r/w 149 IPC is confirmed. However, the period of sentence of imprisonment imposed by the Courts below against each of the above accused under each count is modified to the period, which each of them already undergone under each count, while confirming the sentence of fine imposed under the above counts against each of the accused. All the substantive sentences shall concurrently.

14. With the above modifications, the Criminal Revision Cases are partly allowed. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

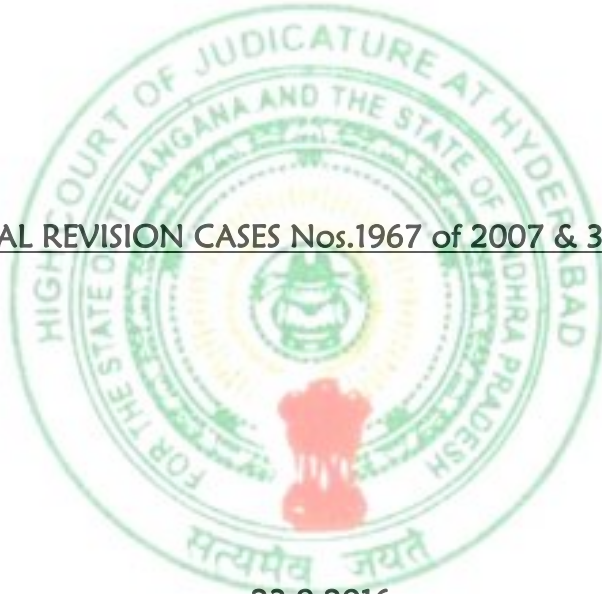
Dated:23rd September, 2016

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23.9.2016

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