

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRA-S-579-SB of 2003 (O&M)

Date of decision : 25.7.2017

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Dev Anand

.....Appellant

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: None for the appellant.

Ms. Safia Gupta, Assistant Advocate General, Haryana.

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H. S. Madaan, J. (Oral)

There is no representation on behalf of the appellant. Similar has been the position on last several date of hearing. Notice to Mr. G.S. Gandhi, Advocate for the appellant had been sent, but he had reported that client had taken brief from him.

Learned State counsel has placed on file custody certificate in terms of which appellant-accused convict was released on four weeks parole from 11.7.2003 to 10.8.2003, but he did not report back at Jail and he is still absconding.

I have seen the judgment passed by the Additional Sessions Judge, Karnal, which is being assailed in this appeal. As per the prosecution story, on 4.10.2001, a police party from Government

Railway Police, Karnal, headed by SI Shiv Kumar, was on patrol duty at platform No.1, Railway Station, Karnal, when train No. 4674DN Shahid Express came from Ambala side and stopped at platform No.1, complainant Naresh Kumar, a tea-vendor had informed SI Shiv Kumar that a young man had purchased 2 packets of biscuits from him and had given him counterfeit currency note of the denomination of Rs.100/- . Accordingly, accused Dev Anand was apprehended from railway compartment. When his purse was checked, 11 counterfeit currency notes of denomination of Rs.100/- each, 5 counterfeit currency notes of denomination of Rs.1,000/- each and 8 genuine currency notes of denomination of Rs.10/- each were recovered. Those notes were taken into possession. On the basis of information sent, formal FIR was recorded at GRP, Karnal. The matter was investigated, during the course of which accused produced a coloured photostat machine from his residence at Rajpura, by using which he had been preparing counterfeit currency notes.

After completion of investigation and other formalities, challan against the accused was prepared and filed in the Court of Illaqa Magistrate, Karnal, who supplied copies of documents relied upon in the challan to the accused free of cost, as provided under Section 207 Cr.P.C. and then finding that offences were triable by the Court of Sessions, committed the case there.

The case was entrusted to the Court of Additional Sessions Judge, Karnal. Charge for offences under Sections 489-A, 489-B, 489-C and 489-D was framed against the accused, to which he

pleaded not guilty and claimed trial.

During the course of prosecution evidence, it examined PW-1 SI/SHO Maya Ram, PW-2 HC Jasbir Singh, PW-3 Naresh Kumar, tea-vendor – complainant, PW-4 Om Dutt, tea-vendor, PW-5 M.L. Chadda, PW-6 Lalit Kumar, Pump Driver, PW-7 ASI Lakhbir Singh, PW-8 SI Shiv Kumar, PW-9 Gulshan Rai, Assistant Director and closed the prosecution evidence.

When the prosecution evidence got concluded, statement of accused were recorded under Section 313 Cr.P.C., in which all the incriminating circumstances appearing against accused were put to him, but he denied the allegations. The accused did not lead any evidence in defence despite availing of opportunities.

After hearing arguments, learned trial Court convicted and sentenced the accused to undergo rigorous imprisonment for 3 years and 6 months under Section 489C IPC; to undergo rigorous imprisonment for 8 years and to pay a fine of Rs.5,000/- under Section 489-D IPC, in default of payment of fine to undergo further simple imprisonment for 1 years. The substantive sentences were ordered to run concurrently. Feeling aggrieved, he has filed the present appeal.

I have gone through the impugned judgment, as well as other documents on record and I find that impugned judgment is based upon proper appraisal of the evidence and correct interpretation of law. There is no illegality or infirmity in the impugned judgment. Therefore, the same is upheld. The appeal does not seem to have any merit. Therefore, the appeal is dismissed

accordingly. The accused-convict be got arrested and sent to District Jail, Karnal, to complete his remaining sentence. Necessary directions be issued to Chief Judicial Magistrate, Karnal, in that regard.

(H.S. Madaan)
Judge

25.7.2017		
chugh	Whether speaking / reasoned	Yes / No
	Whether reportable	Yes / No