

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Crl. Appeal S-2127-SB of 2004
Date of Decision : March 16, 2017

Ranjit Singh and others	VERSUS	Appellants
The State of Punjab		Respondent

CORAM: HON'BLE MR. JUSTICE T.P.S. MANN

Present : Mr. S. P. S. Sidhu, Advocate
for the appellants.

Mr. Vikram Bishnoi, Asstt. Advocate General, Punjab.

T.P.S. MANN, J. (Oral)

The appellants alongwith Gurdev Singh were tried for committing offences punishable under Sections 489-B and 489-C IPC. Vide judgment and order dated 12/13.10.2004, learned Additional Sessions Judge, Moga, acquitted Gurdev Singh accused of the charges against him. The appellants were also acquitted of the charge under Section 489-B IPC. However, they were convicted under Section 489-C IPC and sentenced to undergo rigorous imprisonment for four years and to pay a fine of Rs.5,000/- each and in default of payment of fine, to further undergo rigorous imprisonment for six months. The period already undergone by them in custody was ordered to be set off against the period of sentence imposed upon them.

According to the prosecution, on receipt of secret

information, Sub-Inspector Tehal Singh raided the Dhani of Sukhdev Singh at Kot Ise Khan, where he found the appellants alongwith Gurdev Singh, Harinder Singh and Nishan Singh indulging in dealing with counterfeit currency notes. They were possessing a large number of counterfeit Indian currency notes, which they intended to circulate in the market by posing them as genuine currency notes.

Learned counsel for the appellants has not challenged the impugned judgment of conviction passed by the learned trial Court. However, he has submitted that the appellants are facing the agony of criminal prosecution for the last about fifteen years. None of them stood convicted or arraigned as accused in any other case. They are stated to be the sole bread winners of their respective families. It is also submitted that out of the sentence of four years imposed upon them, they have undergone a period of about eleven months. It is also submitted that after being granted the concession of bail by this Court vide order dated 1.3.2005, none of them has misused the concession of bail in any manner. Prayer has, accordingly, been made for taking a lenient view in the matter of sentence of imprisonment imposed upon them.

Learned State counsel has vehemently opposed the prayer by submitting that the circulation of the counterfeit

currency notes leads to various problems including the innocent persons getting duped of their genuine currency. Learned State counsel has, however, produced the custody certificates, as per which, Ranjit Singh appellant has undergone an actual sentence of ten months and twenty three days, Sukhdev Singh appellant has undergone an actual sentence of eight months and twenty two days, Karaz Singh appellant has undergone ten months and three days, Rassal Singh appellant has undergone eight months and nine days and Devinder Pal Singh appellant has undergone eight months and nine days. None of them is shown to be either involved or convicted in any other case.

Taking into consideration the totality of the circumstances, this Court is of the view that no useful purpose will be served by sending the appellants behind the bars, once again, for undergoing their remaining sentences of imprisonment. Ends of justice shall be suitably met, if their substantive sentences of imprisonment are reduced to the one already undergone by them. At the same time, the sentence of fine can be suitably enhanced.

Resultantly, the conviction of the appellants under Section 489-C is upheld. Their substantive sentence of imprisonment is reduced to the one already undergone by them. The fine of Rs.5,000/- imposed upon each of them is, however, enhanced to Rs.10,000/- each. The appellants shall deposit

the fine amount in the Court of learned Chief Judicial Magistrate, Moga, within three months from today, failing which, they shall be required to undergo rigorous imprisonment for nine months.

The appeal is, accordingly, disposed of.

March 16, 2017
amit rana

(T.P.S. MANN)
JUDGE

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No