

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

**Criminal Appeal S-1985-SB of 2005
Date of Decision: October 25, 2017**

Rajinder Singh @ Kala	Versus	Appellant
State of Punjab		 Respondent

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

Present : Mr. R.P. Dhir, Advocate
for the appellant.

Mr. Gaurav Garg Dhuriwala, Sr. D.A.G., Punjab.

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

The appellant, namely, Rajinder Singh @ Kala, alongwith Prem Lal was tried for committing offences punishable under Sections 489-A, 489-C and 489-D IPC. Vide judgment and order dated 26.4.2004, learned Additional Sessions Judge, Jalandhar, acquitted them of the charges under Sections 489-A and 489-D IPC. They were, however, convicted under Section 489-C IPC and sentenced to undergo rigorous imprisonment for four years and to pay a fine of Rs.1,000/- each and in default of

payment of fine, to further undergo rigorous imprisonment for three months. The period of detention already undergone by them during investigation and trial was ordered to be set off against their substantive sentences of imprisonment.

Aggrieved of his conviction and sentence, the appellant filed the present appeal, which was admitted on 28.11.2005. Subsequently, vide order dated 6.2.2006, a co-ordinate Bench of this Court granted him the concession of bail.

According to the prosecution, on 10.8.2001 at about 5.00 p.m. Sub-Inspector Harbinder Singh, Station House Officer, Police Station Division No.2, Jalandhar, who was present at Kapurthala Chowk, Jalandhar received secret information that the appellant alongwith Prem Lal and Sewa Singh was sitting in a Tata Sumo bearing registration No. HR-01-E-2193 parked at Mint Gumri College Street and all of them were duping the people of their money by giving them three times more of their money, which was otherwise counterfeit. Ruqa was prepared by Sub-Inspector Harbinder Singh, which was sent to Police Station Division No. 2, Jalandhar where on its basis the FIR was registered. SI Harbinder Singh alongwith the police party then proceeded towards the disclosed place and found Tata Sumo

bearing aforementioned number parked at Mint Gumri College Street. The appellant and Prem Lal were sitting in the vehicle. They were apprehended. From the personal search of Prem Lal, 60 counterfeit currency notes of the denomination of Rs.100/- each were recovered from the right pocket of his pant. From the appellant, 80 counterfeit currency notes of the denomination of Rs.50 each were recovered from the right pocket of his pant. From the search of Tata Sumo another 30 counterfeit currency notes of the denomination of Rs.100/- were recovered. 20 counterfeit currency notes of the denomination of Rs.50/- each were also recovered from the dashboard of the vehicle.

Learned counsel for the appellant has not challenged the impugned judgment passed by the learned trial Court whereby he stood convicted under Section 489-C IPC. However, it is submitted that the appellant is facing the agony of criminal prosecution for the last more than sixteen years. He is not a previous convict. He was 38 years of age at the time of the commission of the crime. He is a poor person and finds it difficult to fend for his family. Out of the sentence of four years imposed upon him, he has already undergone a period of about two years. Prayer has, accordingly, been made for taking a lenient view in the matter of his sentence of imprisonment.

Learned State counsel has vehemently opposed the prayer by submitting that by keeping in possession counterfeit currency notes the appellant has committed a heinous crime. The sentence of imprisonment awarded to him is commensurate with the crime committed. Learned State counsel has, however, produced the custody certificate, as per which, the appellant has undergone an actual sentence of one year, seven months and twenty two days besides earning remission of three months and nine days. In all, he has undergone one year, eleven months and one day. He is also not 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 appellant behind the bars, once again, for undergoing his remaining sentence of imprisonment. Ends of justice shall be suitably met, if his substantive sentence of imprisonment is reduced to the one already undergone by him.

Resultantly, the conviction of the appellant under Section 489-C IPC is upheld. His substantive sentence of imprisonment is reduced to the one already undergone by him. The fine of Rs.1,000/- is, however, enhanced to Rs.10,000/-. The entire amount of fine be deposited by the appellant in the Court of

learned Chief Judicial Magistrate, Jalandhar, within a period of three months from today, failing which, he shall undergo rigorous imprisonment for six months.

The appeal is, accordingly, disposed of.

October 25, 2017
amit rana

(T.P.S. MANN)
JUDGE

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