

CRM-7388-2017 in/and
CRM-A-429-MA-2017 (O&M)

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HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-7388-2017 in/and
CRM-A-429-MA-2017 (O&M)
Date of Decision: December 06, 2017

State of HaryanaApplicant
Versus
Salim and anotherRespondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDHIR MITTAL**

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Kuldeep Tewari, Addl.AG,Haryana
for the applicant.

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SURYA KANT, J.

This application under Section 378(3) Cr.P.C. seeks grant of leave to appeal against the judgment of acquittal dated 16.10.2015 passed by learned Sessions Judge, Ambala, in a case arising out of FIR No.110, dated 24.05.2013 under Sections 489-A, 489-B and 489-C IPC, registered at Police Station Mullana, District Ambala. The application is accompanied with yet another application under Section 5 of the Limitation Act read with Section 482 Cr.P.C. for condonation of delay of 403 days in filing the accompanying application/appeal. We find that the application seeking condonation of delay is totally vague, evasive and cryptic. The plea taken is that the District Attorney, Ambala, forwarded his comments to Deputy Commissioner of Police on 20.10.2015, who in turn forwarded the same to

Ambala, took two months to forward the case to the Office of Advocate General, Haryana and “after completion of entire record in office of learned Advocate General, Haryana opinion to file appeal against the impugned order was given”. The case was then referred to Legal Remembrancer, Haryana and “during this process, the delay of 403 days has occurred”. As may be seen, the application does not disclose as to how more than a year was taken in 'bringing the record' from Ambala to Chandigarh or in preparing the file. As the averments are totally evasive and hide more than what is disclosed, we are not inclined to condone the delay of more than a year. The application is, accordingly, dismissed.

[2] Regardless thereto, we have heard learned State counsel on merits also. The prosecution case is that on 24.05.2013, a Police party headed by Inspector Jai Parkash was present near Peer Baba of village Duliana and while patrolling there, they received a secret information that the respondent-accused, who deals in cattle business, was carrying counterfeited currency notes. Based upon the said secret information, the police party apprehended a young boy, named, Salim son of Nawab and on search, 32 currency notes of 500/- denomination each were found from the left hip pocket of his pant. Further prosecution case is that on the disclosure statement made by accused Salim on 31.05.2013, his co-accused Mohd.Nadeem alias Kala of village Dudhgarh was also arrested and pursuant to the disclosure statement suffered by him, four currency notes of Rs.500/- denomination each, i.e. Rs.2,000/- were taken into possession.

[3] To substantiate the charges, the prosecution examined as many

as ten witnesses out of whom there was only one independent witness, i.e. PW5-Karam Singh son of Sardara Ram. Rest of the others were official witnesses, namely, police officials.

[4] As regard to the deposition of the independent witness PW5-Karam Singh in whose presence the fake currency notes were allegedly recovered from Nadeem, his cross-examination has completely demolished the prosecution case. He deposed that while going towards his fields from the house, he saw police party alongwith accused inside the house which belongs to Khazan Singh and his sons Gurmeet Singh and others, and when he reached there, the police party was already inside the house and the police had shown him the four currency notes and told him that those had been taken into possession from inside the room. The very story of recovering the fake currency notes from Nadeem was, thus, belied by the statement of the eye-witness account. In the absence of any other convincing evidence, we are satisfied that the learned Sessions Judge rightly extended the benefit of doubt in favour of the respondents.

[5] No case to interfere with the order sought to be appealed is made out.

[6] Dismissed.

**(SURYA KANT)
JUDGE**

December 06, 2017
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**(SUDHIR MITTAL)
JUDGE**

- 1. Whether speaking/reasoned ?**
- 2. Whether reportable ?**

**Yes/No
Yes/No**