

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 411 of 2018**

Pakalu @ Inderman Sahu S/o Ramkishun Sahu, aged about 30 years R/o Village Mohtara, P.S. Navagarh, District Bemetara (C.G.).

---- Applicant

Versus

State of Chhattigarh Through District Magistrate Bemetara, District Bemetara (C.G.).

-----Respondent

For Applicant	:	Mr. Govind Ram Miri, Advocate
For Respondent	:	Ms. Smita Ghai, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**12/12/2018**

1. This revision has been preferred against the judgment dated 26/02/2018 passed in Criminal Appeal No. 26/2016 by the Sessions Judge, Bemetara (C.G.), whereby the Applicant has been convicted under Sections 471, 420 & 467 of the IPC and sentenced to undergo RI for 1 year with fine of Rs. 1000/-, fine of Rs. 30,000/- and fine of Rs. 30,000/-, respectively, with default stipulations.
2. As per prosecution story, it is alleged that the Applicant committed fraud and forgery by affixing his photo in the Rin Pushtika of Complainant Shivilal (PW1) and obtained loans of Rs. 40,000/- from Navagarh Gramin Bank and Rs. 14000/- from Society Bank of Jhal. A report in this regard was made by the Complainant. On the basis of said report, offence has been registered against the Applicant. After

investigation, a charge-sheet was filed before the trial Court.

3. After trial, the trial Court has convicted the Applicant under Sections 420, 467 & 471 of the IPC and sentenced him to undergo RI for 3 years with fine of Rs. 3000/-, RI for 2 years with fine of Rs. 2000/- and RI for 1 year with fine of Rs. 1000/-, respectively with default stipulations. In an appeal preferred by the Applicant, the Appellate Court also confirmed the conviction of the Applicant, however, the Applicant has been sentenced as mentioned in paragraph one of this order. Hence, this revision.
4. Learned counsel for the Applicant submits that both the judgments passed by the Courts below suffer from illegality, impropriety, incorrectness and perversity, and are not sustainable according to law. He further submits that the learned trial Court ignored the fact that both the Complainant and the Applicant are relative and their houses are beside of each other, and due to previous enmity, the Complainant has falsely implicated the Applicant. The Applicant has not committed any fraud as alleged by the Complainant, therefore, he may be acquitted of the charges framed against him.
5. Counsel appearing on behalf of the State opposes the submission of the counsel for the Applicant and supported the judgment passed by the Courts below.
6. I have heard counsel for the parties and perused the record.
7. From the statement of Shivilal (PW1), it is clear that there was no photo of the Complainant in Rin-Pustika Article-1. From the statements of S.S. Lom (PW4) and Jagdesh Prasad Bolere (PW1), it is well

established that in Rin-Pushtika Article-A, there was photo of the Applicant and the Applicant by affixing his photo in the Rin Pushtika has verified himself as Complainant from S.S. Lom (PW4). From the Statements of Ram Prakash (PW2), Ramji Khande (PW3), Brijbushan Lal (PW16) and D.D. Dehre (PW21), it is also established that on the basis of Rin-Pushtika Article-A of the Complainant, the Applicant has taken loans by affixing his photo on the same. From the statement of Manisha Dubey (PW23), it is also established that in the loan documents, the Applicant has put his signature in place of Complainant's signature.

8. From the above evidence, it is clear that offence registered against the Applicant is established beyond all reasonable doubts. The order passed by both the Courts below is in accordance with law. Thus, the conviction and sentenced imposed by the Appellate Court is affirmed.
9. Consequently, the revision is dismissed.
10. Copy of this order be sent back to the Courts below for information and necessary compliance.

Sd/-

(Arvind Singh Chandel)
Judge