

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.503 OF 2017

IN

CRIMINAL APPEAL NO.300 OF 2017

Sajiul Akhtarali Shaikh ... **Applicant**

V/s.

The State of Maharashtra ... **Respondents**

.....

Mr.Dilip H. Shukla, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 21st FEBRUARY 2018.

P.C. :

1 This is an application for suspension of sentence and releasing the applicant/accused on bail during pendency of the appeal filed by him.

2 The applicant/accused is convicted of the offences punishable under Sections 489-B, 489-C of the Indian Penal Code and under Section 16 of the Unlawful Activities (Prevention) Act, 1967 by the learned trial Court and he has been sentenced to suffer rigorous imprisonment for five years apart from direction to

pay fine of Rs.1,000/- and default sentence of three months independently for offences punishable under Section 489-B of the IPC and under Section 16 of the Unlawful Activities (Prevention) Act, 1967. For the offence punishable under Section 489-C of the IPC, he is sentenced to suffer rigorous imprisonment for two years apart from imposition of fine of Rs.1000/- and default sentence of one month simple imprisonment.

3 Heard the learned Advocate appearing for the applicant/accused. He argued that the applicant is behind bars from 05/06/2014. The learned Advocate drew my attention to the impugned Judgment and Order of conviction and resultant sentence. He argued that PW.No.4 Faiyyaj Shaikh - a panch witness on Memorandum of recovery panchanama had not identified the present applicant. The learned Advocate further argued that thus it is not shown that the applicant/accused was trafficking the counterfeit currency notes. The learned Additional Public Prosecutor opposed the application by contending that the owner of the shop has deposed about using as genuine counterfeit currency notes by the present applicant.

4 I have carefully considered the rival submissions and also perused the impugned Judgment and Order of conviction as well as material produced before me.

5 After due trial, it is held that the offences punishable under Section 489-B and 489-C of the IPC as well as under Section 16 of the Unlawful Activities (Prevention) Act, 1967 proved against the present applicant. It is seen that the applicant was found in possession of 353 of counterfeit currency notes each of Rs.1000/- denomination. Evidence of P.W.No.3 Abdul Sattar shows that on 05/06/2014, the applicant used one counterfeit currency notes of Rs.1000/- denomination at his shop for purchasing T shirt and Jeans Pant. The report of Currency Notes Press, Nashik shows that all 353 currency cotes of Rs.1000/- denomination are high quality counterfeit currency notes and the applicant was found to be in possession and using the same.

6 Nature of the offence is one of the consideration for determining whether the applicant/accused is entitled for bail. In the case in hand, the offence held to be proved against the present applicant is an economic offence which destroys economic fiber of the entire nation. It affects economic security of the State. Hence, considering the evidence against the present applicant as well as nature of offences held to be proved against him, the applicant is not entitled for bail even though he is in custody from 05/06/2014. Interest of the applicant can be protected by directing early hearing of the instant appeal. Therefore, the Order:

ORDER

- (i) The application is rejected.
- (ii) Hearing of the appeal is expedited.
- (iii) Parties are given liberty to mention the appeal for final hearing as and when they desire.

(A.M.BADAR J.)