

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 150 of 2007

Santosh Sahu, S/o- Jagatram Sahu, Raksha, Aged about—30 years, R/o- Village Raksha, Police Station- Rajim, Tahsil-, District- Raipur(C.G.)
---- Appellant

Versus

State of Chhattisgarh, Through- Police Station, Rajim, District- Raipur (C.G.)

---- Respondent

 For Appellant : Mr. Vivek Kumar Shrivastava, Advocate

For State : Mr. Ishwar Jaiswal, P.L.

Hon'ble Shri Justice Ram Prasanna Sharma

Judgment On Board

04/12/2019

1. This appeal is preferred against the judgment dated 22nd February, 2007 passed by 7th Additional Sessions Judge, Raipur (C.G.) in Sessions Trial No. 282/2005 wherein the said Court convicted the appellant for offence under Section 489(B) of IPC 1860 for using one counterfeit currency note of Rs. 500/- denomination as genuine on 22nd February, 2007 at about 8:20 PM at one Jhabak Petrol Pump, Rajim (C.G.).
2. As per version of the prosecution, the appellant gave one currency note of Rs. 500/- denomination bearing No. 6AS 929435 at Jhabak Petrol Pump in which it is found that no water mark is there in the currency note and that is why the case was registered against the appellant. The appellant's currency note was sent to the Currency Note Press Nasik Road and as per report of the said Note Press Ex.P.-17 the currency was found to be counterfeit note.

3. Learned counsel for the appellant submits that currency was not seized from the present appellant but the currency note was given at Jhabak petrol pump by one Chetan Das, therefore, charge against the present appellant is not established.
4. From the evidence of the Dikesh Sahu (PW-1), Vijay Kumar Tiwari (PW-2) manager of the said petrol pump, it is established that one currency note Rs. 500/- denomination was given to the Dikesh Sahu who was working at Petrol pump and both the witnesses are firmed in their statements. Though, the currency note was tendered at Jhabak petrol pump by one Chetan Das but from statement of Vijay Kumar Tiwari (PW-2), it is clear that Chetan Das immediately confirmed that currency was given by the appellant Santosh. Appellant Santosh reached to the spot and confirmed that currency note was given to the Chetan Das by him. From the confession of the appellant, it is clear that appellant was in possession of that currency note and he sent the said Chetan Das for payment of petrol.
5. Though, Ram Dayal Sahu (PW-4) deposed that he had given one currency note Rs. 500/- to Santosh but Ram dayal was not present at the time of tendering the currency note and from his statement it is not clear that currency note which was seized in the present case is given by this witness.
6. On an overall assessment of the evidence, the trial Court recorded finding that appellant used one currency note of Rs. 500/- denomination which was counterfeit and that is why Trial

Court recorded judgment of conviction under Section 489-B of IPC.

7. After reassessment, this Court has no reason to record contrary finding. Conviction of the appellant for commission of offence under Section 489-B of IPC is hereby affirmed.
8. Appellant suffered jail term from 22nd April 2005 to 3rd August, 2005 and from 22nd February, 2007 to 2nd July 2007 and he suffered jail term of about 8 months. Considering the facts and circumstances of the case, this Court is of the opinion that ends of justice would be served if the jail sentence imposed by the Trial Court is reduced to period already undergone by the appellants. However, fine sentence imposed by the Trial Court shall remain intact.
9. With this modification, this appeal is partly allowed.

Sd/-

(Ram Prasanna Sharma)
Judge