

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 221 of 2008

Order reserved on 07.1.2019

Order pronounced on 02.05.2019

Ganesh Ram, S/o Shri Rati, aged about 50 years, R/o Risali, Sector Block 80 D, P.S. Nevai, District Durg (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through Police Station Mohan Nagar, District Durg (CG)

---- Respondent

WITH

CRR No. 295 of 2008

Chela Ram, S/o Kewal Ram, aged about 42 years, R/o Bandhwa Para, Lakhenagar, Raipur (CG)

-----Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Mohan Nagar, District Durg (CG)

---- Respondent

For Applicants : Shri N.K. Chatterjee, Advocate

For Respondent : Smt. M. Asha, Panel Lawyer

Hon'ble Smt. Justice Vimla Singh Kapoor

C.A.V Order

Having arisen out of the same incident and the same impugned judgment, both the revision petitions are being disposed of by this common order.

2. Case of the prosecution in brief is that on 17.06.2004 Police Sub Inspector Suryabhan Meshram (PW-7) received a secret information regarding forged Rin Pustikas being prepared by the accused/applicants in an illegal manner and distribute the same to the needy people by taking money from them. Thereafter he

gave Rs.200/- (two currency notes of 100 denomination each) to Vijay Kumar (PW-1) for being paid to the accused/applicants and obtained the Rin Pustikas. Acting thereupon, PW-1 went to accused/applicant Ganesh and the acquitted accused Santu and by paying Rs.200/- he obtained the Rin Pustikas. On being signaled about the same, PW-7 went there, nabbed accused Ganesh and Santu, seized Rs.200/- from Ganesh and Rin Pustikas from PW-1. Subsequently on the memorandum of accused/applicant Ganesh, forged Rin Pustikas were also seized from accused/applicant Chela Ram. On being examined those Rin Pustikas were found to be forged and the offences under Sections 420, 467 and 471 IPC were registered against the accused/applicants.

3. Having perused the material on record learned trial Court acquitted accused Santu of all the charges levelled against him vide judgment dated 16.06.2006 passed in Criminal Case No.148/2004. However, by the same judgment accused/applicant Ganesh stood convicted under Sections 420, 467 and 471 IPC whereas accused Chelaram came to be convicted only under Section 472 IPC. The sentence imposed on accused Ganesh was 2 years RI with fine of Rs.1000/- under Section 420, RI for 3 years with fine of Rs.2000/- under Section 467 and RI for 2 years with fine of Rs.1000/- under Section 471 IPC plus default stipulation. Accused/applicant Chelaram has however been sentenced to RI for 3 years with fine of Rs.2000/- under Section 472 IPC for which he has been held guilty. In appeal, the findings recorded by learned trial Court have been maintained vide judgment impugned dated 07.03.2008 passed in Criminal Appeal No.81/2006. Hence these revisions.

4. Counsel for the applicants submits that both the Courts below have committed an error of law while convicting and sentencing the accused/applicants as mentioned above though the prosecution could not prove its case by adducing any reliable evidence. He submits that the judgment impugned being contrary to the material available on record is not sustainable in the eye of law and liable to be set aside.

5. State counsel however supports the judgment impugned and submits that both the Courts below have appreciated the evidence on record in its proper perspective and, therefore, no interference with the same is called for.

6. From the evidence of PW-1 – the owner of a cycle shop it is apparent that on the date of incident acting upon the instructions of PW-7 he had given Rs.200/- to the applicants and obtained the Rin Pustikas from accused Santu Ram and Ganesh Ram which were seized by PW-7 under Ex.P-2. According to this witness, Rs.200/- given to the accused/applicants were also seized under Ex. P-3. He has further stated that when he approached the accused/applicants and asked for the Rin Pustikas, they had raised demand of Rs.500/- for the said purpose. This fact has also been supported by PW-2. From the statements of PW-3 and PW-4 who at the relevant time were working as Patwari it is apparent that the Rin Pustikas given to them for being examined were not genuine and were issued under the forged signatures. PW-7 the Investigating Officer has also supported the case of the prosecution in its entirety.

7. In view of the evidence of the witnesses as discussed above, it is apparent that the accused/applicant Ganesh forged the Rin Pustikas to be a valuable security and used the same as a

genuine document and thereby has committed the offences under Sections 420, 467 and 471 IPC. The view taken by the trial Court in respect of accused/applicant Ganesh convicting him as mentioned above are strictly in accordance with law and there is no infirmity in the same. Likewise the conviction of the accused/applicant Chela Ram under Section 472 IPC is also justified as he was found in possession of forged Rin Pustikas which were seized on the memorandum of accused Ganesh Ram. In sum and substance, the conviction of both the applicants as described above being based on proper appreciation of the evidence on record, is not required to be interfered with in these revisions. It is accordingly maintained.

8. As regards sentence, the record shows that the incident had taken place in the year 2004 involving the substantial period of about 15 years having been elapsed therefrom and that the accused/applicant Ganesh Ram remained in jail for about 1 year and 11 months and likewise accused/applicant Chela Ram remained in jail for about 10 months, this Court feels it in the interest of justice to reduce the sentence imposed on them to the period already undergone by them. Ordered accordingly. The fine amount however is not being disturbed.

9. With the aforesaid, the revisions are allowed in part.

Sd/-

(Vimla Singh Kapoor)

Judge