

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****RESERVED ON 1-5-2019****DELIVERED ON 2-5-2019****CRIMINAL APPEAL No. 869/2007**

(Arising out of judgment of conviction and order of sentence dated 17-9-2007 passed by Addl. Sessions Judge, Dhamtari, Sessions Division Dhamtari (CG) in ST No. 29/2007)

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Sanjay Kumar Sahu son of Sonau Ram Sahu aged about 28 years,
R/o. Belora, P.S. Magarlod, Distt. Dhamtari (CG)

---Appellant**-VERSUS-**

State of Chhattisgarh, through SHO PS Arjuni, Distt. Dhamtari (CG)

---Respondent

For appellant : Shri Bharat Lal Dembra, Adv.
For State : Smt. M. Asha, Panel Lawyer.

Hon'ble Shri Sharad Kumar Gupta, Judge
CAV JUDGMENT

1. In this criminal appeal the challenge is levied to the judgment of conviction and order of sentence dated 17-9-2007 passed by Addl. Sessions Judge, Dhamtari, Sessions Division Dhamtari (CG) in ST No. 29/2007 whereby and whereunder he convicted and sentenced the appellant as under :-

Offence u/S.	RI for	Fine Rs.	RI in default of payment of fine
489(A), IPC	3 Years	200/-	RI for 5 months
489(C), IPC	2 years	---	
489(D), IPC	3 years	300/-	

All the jail sentences have been directed to run concurrently.

2. In brief the prosecution story is that during petrolling, sub inspector S.R. Nage who was posted in Crime Squad Dhamtari, on 3-5-2007 at about 17.30 hour, at village Sambalpur, seized 5 forged notes of denomination rupees 100 from the appellant. On the memorandum of appellant 244 forged notes of denomination Rs. 100, one monitor computer, one CPU, one printer, one scanner, one key board, one mouse, one paper cutter, 4 nos. cable wire, one bundle white paper, 3 nos. colour printer cartridges were seized from him. After the investigation, a charge sheet was filed against him. After completion of trial, trial Court convicted and sentenced him as aforesaid.

3. Counsel for the appellant submits that trial Court has not appreciated the evidence in proper perspective. Thus, the conviction

and sentences of the appellant are bad in eyes of law. Hence, appellant may be acquitted of the aforesaid charge.

4. Counsel for the State argued that the conviction and sentence of the appellant are based on clinching evidence. The conviction and sentence of the appellant do not call for any interference by this Court.

5. As per the alleged seizure Ex. P-4, P.W. 5 sub inspector Kunj Bihari Nage on 3-5-2007 had seized 5 forged notes of denomination Rs. 100 from the appellant.

6. As per the alleged memorandum Ex. P-3, P.W. 5 sub inspector Kunj Bihari Nage had made seizure Ex. P-5 and seized 244 forged notes of denomination Rs. 100, one monitor computer, one CPU, one printer, one scanner, one key board, one mouse, one paper cutter, 4 nos. cable wire, one bundle white paper, 3 nos. colour printer cartridges from the appellant.

7. As per the alleged report Ex. P-14 seized 245 notes of denomination Rs. 100 were forged.

8. There is no such evidence on record on strength of which it can be said that Ex. P-4, Ex. P-3, Ex. P-5, Ex. P-14 are not believable. Thus this court believes on them.

9. Looking to the above mentioned facts and circumstances of the case, this Court finds that prosecution has succeeded to prove beyond reasonable doubt the charges punishable under Sections 489(A), 489(C) and 489(D), IPC against the appellant.

10. After appreciation of the evidence discussed herebefore, this court finds that trial Court has not committed any illegality in convicting and sentencing the appellant as aforesaid. Hence, the appeal deserves to be dismissed.

11. The appeal is accordingly dismissed. The conviction and sentences of the appellant are hereby affirmed.

12. As per the report received from the Jail Superintendent, Dhamtari dated 4-9-2018 the appellant has been released on 9-3-2009 after getting the benefit of remission extended to him. Thus, no further order is required.

Sd/-
(Sharad Kumar Gupta)
Judge