

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 914 of 2007

Reserved on : 11.11.2019

Delivered on : 10.01.2020

Sushil Kumar Chauhan, S/o Karamsai Chauhan, aged about 35 years,
Occupation- Electric Fitting, R/o Shivpur, Thana- Pathalgaon (Jashpur)

---- Appellant

Versus

State of Chhattisgarh, through S.H.O. Thana- Tamnar, Tahsil- Gharghora,
District- Raigarh (C.G.)

---- Respondent

For Appellant : Mr. G.V.K. Rao, Advocate.

For State/respondent : Mr. Raghvendra Verma, Govt. Adv.

Hon'ble Shri Justice Ram Prasanna Sharma

CAV JUDGMENT

1. This appeal is preferred under Section 374 (2) of the Code of Criminal Procedure, 1973 against judgment dated 10.08.2007 passed by Fourth Additional Sessions Judge (F.T.C.), Raigarh (C.G.) in Session Trial No. 09/2007, wherein the said court convicted the appellant for commission of offence under Sections 489B, 489C & 489D of IPC, 1860 and sentenced to undergo R.I. for 10 years and fine of Rs. 500/-, R.I. for 5 years & R.I. for 10 years and fine of Rs. 500/- respectively with further default stipulations. All the sentences to run concurrently.
2. As per version of the prosecution, on 01.08.2006 one Dayasagar Patnaik sent his brother to shop at Village- Dolesarwa with 10 currency notes of Rs. 100/- denomination and out of 10 notes, one note was returned by the shopkeeper being forged. On enquiry, it came to the knowledge that the forged note was given to Dayasagar

Patnaik by one co-accused Surendra Sahu. On complaint, the said Surendra Sahu informed that he has taken the forged note of Rs. 13,000/- from one co-accused Mansoor Khan. During investigation, printer machine and forged currency notes were seized from the appellant. The matter was reported, the appellant was charge-sheeted and after completion of trial, the trial court convicted as mentioned above.

3. Learned counsel for the appellant submits that the finding arrived at by the trial court is contrary to the facts and legal aspect of the matter, therefore, the same is liable to be set aside.
4. On the other hand, learned State counsel submits that the finding arrived at by the trial court is based on proper marshaling of evidence and the same does not warrant any interference of this Court with invoking jurisdiction of the appeal.
5. I have heard learned counsel for the parties and perused the records.
6. From evidence of Police Officer who is In-charge of Crime Branch, Raigarh namely Hem Prakash Nayak (PW-21), it is established that on discovery statement of the appellant, 2 nos. of HP Printers, currency notes and 51 nos. of paper for printing currency notes were seized. In machine, plain papers were affixed. The seized currency notes were sent for examination and it was found to be counterfeited currency notes. Seized printers & papers are instruments for the purpose of printing forged currency notes. Version of the prosecution is un rebutted. The appellant has not explained regarding his possession of counterfeit currency notes, printing papers and machine. The trial court recorded finding that the appellant was in

possession of counterfeit currency notes to use it as genuine and he was in possession of instruments for forging currency notes, therefore, the charge under Sections 489B, 489C & 489D is established against the appellant.

7. The trial court elaborately discussed the entire evidence and after reassessing the same, this Court has no reason to record contrary finding. The act of the appellant falls within mischief of Sections 489B, 489C & 489D of IPC, 1860 for which the trial court convicted the appellant and the same is hereby affirmed.

Heard on the point of sentence.

8. The trial court awarded R.I. for 10 years, R.I. for 5 years & R.I. for 10 years for commission of offence under Sections 489B, 489C & 489D of IPC respectively, which cannot be termed as harsh, disproportionate or unreasonable looking to the gravity of offence. The sentence part is also not liable to be interfered with. Accordingly, the appeal is liable to be and is hereby dismissed.
9. It is reported that the appellant has suffered full jail sentence and has been released from jail after getting benefit of remission, therefore, no further order of arrest etc. is required.

Sd/-
(Ram Prasanna Sharma)
Judge