

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 910 of 2014

Harendra Shah, aged about 31 years S/o Khedan Shah R/o Village Tola,
Ninvalia, Post Managani, P.S. & Distt. Betia (Bihar)

---- Appellant

Versus

State of Chhattisgarh through P.S. Durg, Distt. Durg (C.G.)

---- Respondent

For Appellant	:	None.
For Respondent	:	Mr. Anand Verma, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel
Judgment on Board

12/06/2020

1. By the impugned judgment dated 10/09/2014 passed in Session Trial No. 81/2013 by the Special Judge/Additional Sessions Judge, District Durg (C.G.), whereby the Appellant has been convicted under Section 489 (C) of the Indian Penal Code and sentenced to undergo RI for 4 years.
2. Facts of the case are that 01/12/2012 Constable Shrawan Kumar (PW4) was on duty at bus stand. At that time, he received an information from one Rajkumar Sahu (PW2) to the effect that the appellant is having some fake currency notes. On receiving this information, he reached to the spot and caught hold the appellant. On being search, total 27 numbers of fake currency notes of Rs. 500 were recovered from him. Thereafter, an FIR has been lodged vide Ex.P-9. The seized notes were sent for its examination to the Indian Reserve Bank, Devas. Later on, statements of the witnesses were also

recorded. After completion of investigation, a charge-sheet was filed. Trial Court framed the charges.

3. After trial, the trial Court has convicted and sentenced the Appellant as mentioned in paragraph one of this judgment. Hence, this appeal.
4. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Durg would mention that the Appellant has undergone the entire jail sentence imposed upon him by the Trial Court and already released 15/01/2016.
5. Since no one appears for the appellant today, therefore, I am deciding this appeal on merits.
6. I have heard Learned Counsel appearing for the State and perused the record to assess the correctness of the impugned judgment of conviction.
7. Though both the independent witnesses i.e. Shivendra (PW1) and Rajkumar Sahu (PW2) have not supported the case of the prosecution and have turned hostile, Constable Shrawan Kumar Singh (PW4) has categorically stated that on 01/01/2012 at about 12 noon, he received an information from the informant and on that basis he reached to the spot and caught hold the appellant. According to this witness, total 27 numbers of fake currency notes Rs. 500/- were seized from his possession. This witness has remained firm during his cross-examination. There is nothing on record on the basis of which it can be said that Constable Shrawan (PW4) was having previous enmity with the appellant and therefore, there is no possibility that he is falsely implicating the appellant. The statement of this witness is duly corroborated by Sanjay Devsthele (PW6).

8. Considering the entire evidence available on record, the trial Court has rightly convicted the Appellant which does not require any interference.
9. Consequently, I do not find any merit in this appeal. The same is dismissed.

**Sd/-
(Arvind Singh Chandel)
Judge**

Rahul