

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 23 of 2018

Firoz Shekh S/o Mannan Shekh Aged About 24 Years R/o Village Charbapukur, P. S. Kalepok, District Murshidabad, West Bengal.

---- Appellant

Versus

State Of Chhattisgarh Through Police Station City Kotwali, Raigarh Tahsil And District Raigarh, Chhattisgarh.

---- Respondent

For Appellant	:	None.
For Respondent/State	:	Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

04/08/2020

1. The matter is heard through video conferencing.
2. By the impugned judgment dated 24/08/2012 passed in S.T. No. 61/2012 by the learned Session's Judge, District Raigarh (C.G.), the Appellant has been convicted for the offence punishable under Sections 489 B & 489 C of the Indian Penal Code and sentenced to undergo rigorous imprisonment for 10 years & rigorous imprisonment for 3 years and to pay fine of Rs. 5,000/- & 1,000/- respectively, with default stipulations. Both the sentences to run concurrently.
3. Facts of the case are that on 11.02.2012 during town patrolling,

Assistant Sub Inspector Girdhari Sao has informed by one shopkeeper namely Keemti Goyal that one person has purchased a mobile phone from his shop @ of Rs. 2,000/-, it has been informed by him that the sum of notes given by the purchaser seems to be fake currency notes. The person who purchased mobile phone i.e. the present Appellant, was also present there and he admitted the fact that he has purchased a mobile phone from the shopkeeper. On being searched, total 52 fake currency notes of Rs. 500/- and 10 fake currency notes of Rs. 1,000/- found from the possession of the Appellant. On the basis of above, offence has been registered against the Appellant. Statements of witnesses under Section 161 of Cr.P.C. have been recorded. After completion of investigation, charge-sheet has been filed. Trial Court has framed the charges under Sections 489 B & 489 C of the Indian Penal Code. To prove the guilt of the Appellant, the prosecution has examined as many as 5 witnesses. No defense witness has been examined. Statement of the Appellant under Section 313 of the Cr.P.C. was recorded, wherein he has pleaded his innocence and false implication in the matter.

4. After trial, the trial Court has convicted and sentenced the Appellant as mentioned in paragraph one of this judgment. Hence, this appeal.
5. A certificate of incarceration sent by the office of Jail Superintendent, Central Jail, Bilaspur District Bilaspur (C.G.)

would mention that the Appellant has undergone the entire jail sentence imposed upon him by the Trial Court and already released on 16.04.2019.

6. Since no one appears for the Appellant today, I decide this appeal on merits.
7. I have heard Learned Counsel appearing for the State and perused the record to assess the correctness of the impugned judgment of conviction.
8. Perused the entire judgment and statements of prosecution witnesses. Keemti Goyal (PW-1) has duly corroborated the entire case of prosecution and deposed according to the case of prosecution. This witness remain firmed during his cross-examination. He also duly identified the Appellant, his statement is duly corroborated by Aman Goyal (PW-2). Assistant Sub Inspector Girdhari Sao (PW-5) has also fully supported the case of the prosecution.
9. On minute examination of above evidence available on record, in my considered opinion, I have found that the learned trial Court has rightly convicted the Appellant.
10. Consequently, the appeal has no merit and the same is liable to be and is hereby dismissed.

Sd/-
(Arvind Singh Chandel)
Judge