

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 787 of 2007

Reserved on : 11.11.2019

Delivered on : 10.01.2020

Mansoor Khan, S/o Mohammad Anees, aged about 22 years, R/o Village- Bataikela, Police Station- Kasabel, District- Jashpurnagar (C.G.)

---- Appellant

Versus

State of Chhattisgarh, through the Police Station- Tamnar, Tahsil- Gharghora, District- Raigarh (C.G.)

---- Respondent

For Appellant : Mr. Aman Kesharwani & Mr. Varun
Sharma, Advocates.

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 of IPC, 1860 and sentenced to undergo R.I. for 10 years and fine of Rs. 500/- & R.I. for 5 years 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 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 67 nos. of currency notes of Rs. 100/- denomination and 16 nos. of currency notes of Rs. 500/- denomination were seized from the appellant. The seized currency notes were sent for examination and on examination, it is found to be forged. The defence of the appellant is mere denial which is meritless. The appellant has not explained regarding possession of the forged notes in bulk. These currency notes have been used in the market and the same was in possession of the appellant, therefore, the charge under Sections 489B & 489C 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 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 & 5 years for commission of offence under Sections 489B & 489C 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