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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.A. 263/2019**

ISHHAQ ANSARI Appellant
Through Mr. K. Singhal, Adv.

versus

STATE Respondent
Through Mr. Hirein Sharma, APP for State
SI Jagdish Pal

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER
% **21.01.2020**

CRL.A. 263/2019

With the consent of parties, the present appeal is taken up for final disposal.

Vide impugned judgment dated 19.11.2018 and order on sentence.11.2018 dated 24.11.2018, the appellant has been convicted and sentenced to undergo RI for a period of 7 years and a fine of ₹50,000/- for the offence punishable under section 489-B IPC and in default of payment of fine, to undergo SI for 6 months.

He is further sentenced to undergo RI for a period of 4 years and a fine of ₹25,000/- for the offence punishable under section 489-C IPC and in default of payment of fine, to undergo SI for 3 months.

Both the above sentences shall run concurrently.

Learned counsel appearing on behalf of petitioner submits that the

learned trial Court has wrongly convicted the appellant under Section 489B IPC, which is reproduced as under:-

“489B. Using as genuine, forged or counterfeit currency-notes or bank-notes.—Whoever sells to, or buys or receives from, any other person, or otherwise traffics in or uses as genuine, any forged or counterfeit currency-note or bank-note, knowing or having reason to believe the same to be forged or counterfeit, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”

He further submits that as per Section 489B IPC, whoever sells to, or buys or receives from, any other person, or otherwise traffics in or uses as genuine, any forged or counterfeit currency-note or bank-note, knowing or having reason to believe the same to be forged or counterfeit, he is liable for the punishment under the said section.

As per prosecution case, only recovery has been effected from the personal search of the appellant, however, neither he sold it nor used it as genuine for any purpose, therefore, the trial Court has wrongly convicted the appellant for the offence punishable under Section 489B IPC.

However, without going into the merits of the case, counsel for the appellant submits that appellant is 64 years old aged and has an old and ailing wife. The appellant has completed more than two years in jail as on date, thus he has learnt a big lesson. He has undertaken not to involve himself in such offence in future and submits that in the interest of justice, while maintaining the conviction, the appellant may be released on bail.

The fact remains that appellant was arrested in the present case on 05.07.2011 and since then he has been fighting a legal battle by facing trial

and have understood the gravity of offence he committed.

Appellant is 64 years of age and in the interest of justice, while maintaining the conviction, sentence of the appellant is reduced to already undergone.

Moreover, keeping in view his financial status, fine amount is reduced from ₹50,000/- to ₹25,000/- as awarded by the Trial Court for the offence under section 489B IPC.

Accordingly, he shall be released on payment of fine of ₹50,000/-.

It is made clear that total fine amount of ₹50,000/- shall be paid for both the offences under sections 489-B and 489-C IPC before the Trial Court. Thereafter, he shall be released, if not required in any other case.

In view of above, the appeal is disposed of.

CRL.M.A. 43249/2019

In view of the above order passed in CRL.A. 263/2019, this application has become infructuous and the same is accordingly dismissed.

Order dasti under the signatures of Court Master.

SURESH KUMAR KAIT, J

JANUARY 21, 2020

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