IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Revision No. 260 of 2016

1. Hanif Ansari S/o Chakhwa Ansari @ Chan Khan, resident of Vill- Idgah Muhalla, Kathaltoli, Juria, P.O. + P.S.- Lohardaga
2. Dina Nath Prajapati S/o Late Awadhesh Mahto Avdeesh Mahto Resident of Vill.- Bhauro, P.O. + P.S. Bhandra
3. Sarfraj Ahmad S/o Abdul Hafiz, Resident of Vill- Kairo, Nayatoli, P.O.+ P.S Kairo

All are of Dist. Lohardaga … … **Petitioners**

-Versus-

The State of Jharkhand … … **Opp. Party**

With

Cr. Revision 796 of 2016

Md. Irfan, son of Md. Islam, Resident of Mohalla- Amla Toli, Somar Bazar, Lohardaga, P.O. + P.S. + District: Lohardaga, Jharkhand

… … **Petitioner**

-Versus-

The State of Jharkhand … … **Opp. Party**

CORAM: HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

[Cr. Revision No. 260 of 2016]

For the Petitioners : Mr. Rajesh Kumar, Advocate
For the Opp. Party-State : Mrs. Mahua Palit, Advocate

[Cr. Revision No. 796 of 2016]

For the Petitioner : Mr. Pravin Kr. Pandey, Advocate
For the Opp. Party-State : Mr. Praful Jojo, Advocate

Reserved on 23.09.2024 **Pronounced on 20.12.2024**

1. These criminal revisions are directed against the Judgment dated 27th January, 2016 passed by the learned Sessions Judge, Lohardaga in Criminal Appeal No.57 of 2015 and Criminal Appeal No.58 of 2015 whereby and whereunder the learned appellate court has affirmed the conviction and sentence of the petitioners under Sections 467, 468, 472, 414, 120B of Indian Penal Code ***(hereinafter referred to as IPC)***.

2. The learned trial court vide Judgment of conviction and the order of sentence dated 30.04.2015 passed by the learned Chief Judicial Magistrate, Lohardaga in G.R. Case No.31 of 2009 (arising out of Lohardaga P.S. Case No.09 of 2009), had convicted the

petitioners for committing the offences under Sections 467, 468, 472, 120B and 414 of IPC and had sentenced them to undergo imprisonment for three years with fine of Rs.2,000/- each and in default of payment of fine, they were sentenced to undergo further imprisonment for three months each and all the sentences were directed to run concurrently.

Arguments of Petitioners in Criminal Revision No. 260 of 2016

3. The learned counsel for the petitioners while assailing the impugned judgments submitted that although there are concurrent findings recorded by the learned courts, but the findings are perverse and therefore, they call for interference by this Court.

4. The learned counsel further submitted that FIR was registered against altogether eight accused persons, but two accused persons namely, Ganda Ansari and Sunder Ansari, who were alleged to be the purchasers of the stolen motorcycles, were not charge-sheeted on the ground that there was no recovery from them. He further submitted that ultimately, the charge was framed for the offence under sections 467, 468, 472, 414, 120B of the Indian Penal Code against six accused persons including the three petitioners involved in this case. Nine prosecution witnesses were examined. PW-1 to PW-5 are the seizure witnesses. PW-6 to PW-8 are the members of the raiding party. PW-9 is the informant of the case. He also submitted that PW-1 to PW-5 had admitted their signatures on the seizure list, but they have not supported the recovery inasmuch as they have stated that they had singed on plain paper. He submitted that the investigating officer who had investigated the case has not been examined and therefore, the petitioners have been prejudiced on account of non-examination of the concerned investigating officer. The investigating officer who has been examined as PW-8 has stated that his only role was submission of the charge sheet.

5. The learned counsel further submitted that on account of non-examination of the concerned investigating officer, the occurrence and the place of recovery could not be proved. While further arguing, he

submitted that there is no independent witness in the entire case with respect to offences under Sections 467, 468 and 472 of the Indian Penal Code. He submitted that the prosecution has not proved that the petitioners had forged any document. He further submitted that no counterfeit, stamp, seal, etc. have been recovered from the possession of the petitioners, rather it is apparent from the discussions made in the trial court's judgment that the alleged recovery of the motorcycles was accompanied with certain original documents in connection with the vehicle involved in the case.

6. The learned counsel submitted that there is no evidence that it was the petitioners who had forged the documents and there is also no evidence that forgery was committed for the purposes of cheating. The petitioners were never found in possession of any forged document or were involved in preparation of any counterfeit seal. He submitted that the District Transport Officer has not been examined in the case which has also prejudiced the case of the petitioners. He further submitted that the so-called recovered motorcycles were never exhibited before the court, nor the seizure has been properly proved.

7. The learned counsel further submitted that PW-6 was posted at Lohardaga Police Station since 15.01.2009 and the informant PW-9 is the Officer in-charge of the Lohardaga Police Station. The houses of two petitioners Dina Nath Prajapati and Sarfraj Ahmad are located under different police stations and therefore, they had no jurisdiction to raid their houses and accordingly, the entire seizure is vitiated. He relied upon the judgment passed by the Hon'ble Supreme Court in the case of ***Roy V.D. -vs- State of Kerala*** reported in ***(2000) 8 SCC 590*** Paragraph-18 to submit that although the said case was under NDPS, but it has been held that raid by incompetent and unauthorized person is per se illegal and no conviction can be based on such raid.

8. The learned counsel further submitted that no case under Section 414 of IPC was also made out against the petitioners in view of the fact that the petitioners were not found in possession of the documents of the motorcycles which were alleged to be recovered

from their possession. He further submitted that the basic ingredients of Section 414 of IPC are not satisfied in view of the fact that there is no material to show any knowledge on the part of the petitioners that the motorcycles were stolen property and there was no reason to believe on the part of the petitioners that the motorcycles were stolen property. He also submitted that the intent and the purpose of voluntarily concealing the property has also not been proved. He relied upon the judgment passed by the Hon'ble Patna High Court in the case of ***Khodadin Ansari -vs- State of Bihar*** reported in ***(2011) 4 East Cr C 476 (Pat)*** Paragraph- 9 and 10. On the same point, he also relied upon the judgment passed in the case of ***Md. Islam -vs- State of Bihar*** reported in ***2010 (1) East Cr C 218 (Pat)*** Paragraph-9 to 14.

9. He further submitted that the prosecution could not prove the meeting of mind and therefore, the conviction under Section 120(B) of IPC is also not made out.

10. The learned counsel submitted that aforesaid aspects of the matter have not been properly considered by both the courts and accordingly, the impugned judgments are fit to be set aside. He also submitted that the petitioners could not have been convicted with the aid of Section 120(B) of the Indian Penal Code.

Arguments of Petitioner in Criminal Revision No. 796 of 2016

11. The learned counsel for the petitioner adopted the arguments advanced on behalf of the petitioners in Criminal Revision No. 260 of 2016 and made additional submissions.

12. He submitted that so far as the recovery part is concerned, the case of the petitioner is in the same footing as that of Dina Nath Prajapati. However, so far as the jurisdiction of the raiding party is concerned, the same would not apply to the case of the petitioner. He further submitted that the learned courts have not discussed the evidence in connection with the offences under Sections 467, 468, 472 of IPC in order to convict the petitioner and therefore, the impugned judgments are perverse. The learned counsel further relied upon the judgment passed by the Hon'ble Supreme Court in the case of ***Ashok***

@ Dangra Jaisawal -Vs- State of M.P. reported in (2011) 5 SCC 123 and referred to Paragraph-12 and 14. He submitted that on account of non-production of the material exhibits and without any explanation for non-production of such material exhibits before the court, conviction cannot be sustained and the accused are entitled for benefit of doubt. He further relied upon the judgment passed by the Hon'ble Supreme Court in the case of ***Mohammed Ibrahim & Ors. -Vs- State of Bihar & Anr*** reported in ***2009 (4) East Cr C 6 (SC)*** Paragraph-8 and 9 to submit that the basic ingredients of the offences under Sections 467 and 471 of IPC have been duly discussed and in the present case, the basic ingredients for convicting the petitioner under Sections 467, 468 and 472 of IPC have not been satisfied.

Argument of Opposite Party-State in both the cases

13. The learned counsels appearing on behalf of the opposite party-State while opposing the prayer submitted that the documents relating to registration of the seized motorcycles were duly exhibited and it has come in Paragraph-13 of the appellate court's judgment that the vehicles were not even standing in the name of one or the other petitioner, though they were recovered from their possession. The learned counsels have referred to Page No.5 of the trial court judgment to submit that the seized motorcycles were duly exhibited before the learned trial court as material exhibits which was marked as M-1 to M-12 and therefore, the arguments of the learned counsel of the petitioners that the seized motorcycles were not exhibited as material exhibits is incorrect and contrary to the records of the case.

Findings of this Court

14. The prosecution case is based on the self-statement of Umesh Kumar Thakur, the then Officer-in-charge, Lohardaga P.S. recorded on 20.01.2009 at 03:00 PM alleging that on the basis of secret information received regarding involvement of Sakil Ansari in commission of theft and sale of motorcycle, the Informant alongwith police force went to Juria Village for verification of the matter and arrested Sakil Ansari. On interrogation, Sakil Ansari confessed and

disclosed involvement of other persons in commission of theft of motorcycle. He also disclosed the names of his associates as Hanif Ansari, Md. Irfan Ansari, Md. Sarfraj Ahamd, Dina Nath Prajapati, Ganda Ansari and Sundar Ansari who indulge in commission of theft and sale of motorcycle after making forged papers. On the basis of his confessional statement, the house of Sakil Ansari was searched and 03 Hero Honda Splendor Plus Motorcycles bearing registration nos. JH05P-8706, JH03H-2368 and JH02H-3767, two owner books, rubber stamp seals of D.T.O. Gumla, Bokaro, Palamau, Garhwa and Jamshedpur and one Chinese mobile were recovered from his house. Thereafter, the police raided the house of Hanif Ansari and recovered one Hero Honda Splendor Plus Motorcycle bearing registration no. JH05P-2568, one Hero Honda Super Splendor Motorcycle without registration number and one Hero Honda Super Splendor Motorcycle bearing registration no. JH13C-2882 and arrested him. Thereafter, the police raided the house of Irfan Ansari and recovered 02 Hero Honda Splendor Motorcycles bearing registration nos. UP63F-3219 and JH02F-3972 and one owner book and arrested him. The police also raided the house of Sarfraj Ahmad and recovered 02 Hero Honda Splendor plus Motorcycles bearing registration nos. JH02K-5376 and JH12D-6895 and 02 laminated registration books. The police also raided the house of Sandeep Lohra and recovered Motorcycle No. JH10K-6776 and original paper in the name of Anil Mahto. Thereafter, the police raided the house of Dina Nath Prajapati and recovered 02 Hero Honda Splendor Plus Motorcycles bearing registration nos. JH03D-6367 and JH07R-2454 and some original documents. The police also raided the house of Tajul Ansari and recovered 01 Hero Honda Splendor Plus Motorcycle bearing registration no. JHO7D-3016. The police also raided the house of Ekamul Ansari and recovered Motorcycle No. JH01P-9585. The police raided the house of Dilip Kujur and recovered one Splendor Passion Plus Motorcycle bearing registration no. JH12F-9787. The police searched the house of Hasim Ansari and recovered Hero Honda

Splendor Motorcycle No. JH07B-8433. All the recovered motorcycles and other articles were seized and accordingly, seizure lists were prepared and the accused persons were arrested.

15. On interrogation, the arrested persons disclosed that the seized vehicles were stolen with help of Ganda Ansari and Sundar Ansari from Lohadaga and nearby other districts and from States like Haryana and Bengal. The process of sale of the vehicles was being made by Sakil Ansari of Juria. They further disclosed that the stamp of D.T.O. and seal of any district have been made in the shop of Sakil Ahmad which is situated at Lohardaga named and styled as "National Rubber Stamp Shop". They further disclosed that they were taking help of other associates and sometimes, they themselves used to sell the vehicles after commission of theft and they were committing such offence for the last three years.

16. On the basis of the self-statement of the Informant, the case was registered as Lohardaga P.S. Case No.09/2009 under Sections 467, 468, 471, 473, 414, 255, 263(A) and 120(B) of IPC against 08 accused persons including the petitioners. After completion of investigation, the Investigating Officer submitted Charge-sheet under the same sections against Sakil Ansari, Hanif Ansari, Dina Nath Prajapati, Sarfraj Ahmad, Md. Irfan and Shakil Ahmad. Thereafter on 31.03.2009, cognizance of the offence under Sections 467, 468, 471, 473, 414 and 120(B) of IPC was taken against them. On 19.06.2009, charges under Sections 467, 468, 472, 414 and 120(B) of IPC were framed against the aforesaid six accused persons which were read over and explained to them in Hindi to which they pleaded not guilty and claimed to be tried.

17. In course of trial, the prosecution examined altogether 09 witnesses in support of its case. PW-1 is Ejaj Ahmad, PW-2 is Nausad Ahmad, P.W-.3 is Afroj Ansari, PW-4 is Imroj Ansari, PW-5 is Sarvar Ansari, PW-6 is A.S.I. Madan Prasad Singh, PW-7 is A.S.I. Bhola Prasad Yadav, PW-8 is Dinesh Kumar who is the second Investigating Officer of the case and PW-9 is Umesh Kumar Thakur who is the

Informant of the case. The prosecution exhibited the signatures of the seizure witnesses on the seizure lists as Exhibits- 1 to 1/3, the seizure lists as Exhibit- 2 to 2/9, registration papers of the seized vehicles as Exhibits- 3 to 3/6, self-statement of the Informant as Exhibit-4, formal FIR as Exhibit-5, Charge-sheet No.24/2009 dated 17.03.2009 as Exhibit-6 and the endorsement on the self-statement of the Informant as Exhibit-7. The prosecution also exhibited the seized motorcycles as Material Exhibits- M/1 to M/12, seized mobile as Material Exhibit-M/13 and the stamps as Material Exhibits- M/14 to M/19. Other documents and registration papers were identified as Marks- X to X/3.

18. On 17.03.2015, the statements of the accused persons including petitioners were recorded under Section 313 of Cr.P.C. wherein they claimed innocence.

19. The petitioners did not adduce any oral evidence in their defence. However, some documents were filed on behalf of the defence i.e. Certified copies of judgments passed in G.R. No. 577/2008 & G.R. No. 533/2008 were marked as Exhibits- A & A/1 respectively and certified copies of FIRs of Lohardaga P.S. Case No.186/2008 (G.R. No. 577/08) & Lohardaga P.S. Case No.172/2008 (G.R. No. 533/08) were marked as Exhibits- B & B/1 respectively.

20. After hearing the learned counsel for the parties and going through the records of the case, this Court finds that PW-1, PW-2, PW-3 and PW-5 are the seizure witnesses and they have proved their respective signatures on the respective seizure lists. PW-4 is also a seizure witness and he has proved his thumb impression in the seizure list. PW-6 was a member of the raiding police party and he has fully supported the prosecution case including recovery of the motorcycles alongwith papers, seal and stamps from the houses of the accused persons. He also identified the accused persons in court. PW-7 was also a member of the raiding police party and he has also supported the prosecution case and recovery of the motorcycles alongwith forged documents, 06 seals of different D.T.O. from the houses of the

accused persons. During his cross-examination, he stated that he has seen the seals kept in Almirah.

21. PW-8 is the second Investigating Officer of the case after taking charge of investigation from Shyamnandan Deo on 26.02.2009. He had submitted charge-sheet against the accused persons. PW-9 is the Informant of the case and he was also a member of the raiding police party. He has fully supported the prosecution case and has exhibited seizure lists, forged documents and stamps. He also identified the stolen seized motorcycles and other materials as material exhibits. He claimed to identify the accused persons. He has specifically stated in his cross-examination also that all the rubber stamps were found to be manufactured in the rubber stamp shop in the name and style of National Rubber Stamp Company of Shakil Ahmad. The defence has failed to elicit any material contradiction during cross-examination of the prosecution witnesses to discredit their testimony.

22. The learned trial court considered the materials on record and recorded its findings at Paragraph-21 which reads as under:

> *"**21.** In the light of argument placed by both the counsels of the parties. Perused the entire material available on record that no doubt the motorcycles were recovered from the possession of all the accused persons except Sakil Ahmad and all these vehicles have been produced which were marked as material Exhibits. The witnesses have also proved the documents like signature made on seizure list, and papers of registration book of the motorcycle, some stamps and sealed and mobile have been proved. F.I.R has also been proved. It is also pertinent to mention here that of course in a case of offence committed u/s 414 I.P.C., the article seized by the police from the possession of accused should be stolen property, but apart from this elements the other facts and elements also constitute the offence like accused assisted someone in concealing of disposing of or making away the such property and the accused had knowledge or reason to belief that the property involved was stolen property. The contesting witness i.e. P.W.6, 7 and 9 have categorically stated in their evidence that upon receiving of the information the police party firstly searched the house of Sakil Ansari where the three motorcycles and registration paper, stamp and seal were recovered on his confessional statement. Not much, only upon his disclosure, the police has also raided the other co-accused persons whereon motorcycle and other fake papers*

including stamp and seal were recovered and the confessional statement made before the police leading to recovery is admissible under the relevant provision of evidence Act. The evidence brought on record also goes to show that that motorcycles were being sold after making preparation of forged documents and all they have known to each other for commission of an offence and it is needless to say that every one of the conspirators must have taken active part in the commission of each and every one on the conspiratorial act. Rather the offence of criminal conspiracy consists in a meeting of minds of two or more persons for agreeing to do or causing to be done an illegal act or an act by legal means, and the performance of an act in terms thereof. Here in this case the accused persons were jointly retaining the vehicle to be sold after preparing the forged document with the help of one and another and specifically accused Sakil Ahmad who actively supported for making stamp and seal of D.T.O. of several district. But so-called motorcycle has not been recovered from his possession, hence, the offence committed u/s 414 is not attracted against this accused. Hence, he is not found to be hold guilty u/s 414 I.P.C as such he is acquitted thereunder.

The prosecution has proved the documentary evidence like written report signature of the witness on seizure list as well as its writing several books of registration. Material exhibit is also proved. In this way from careful perusal of the evidence which discussed above clearly indicates that accused were involved for the offence as alleged. And thus, the whole evidence either documentary or oral are liable to be appreciated and admitted and found proved the charges against the accused persons."

23. The learned trial court convicted the petitioners for committing the offences under Sections 467, 468, 472, 414, 120B of IPC and passed a composite sentence against them to undergo rigorous imprisonment for 03 years with fine of Rs.2,000/- each and in default of payment of fine, to undergo imprisonment for 03 months each.

24. The learned appellate court also considered the materials on record and recorded its findings at Para-12, 13 and 14 which read as under:

"12. *It will be apparent from the above discussions that the pin-pointed evidence of meeting of mind regarding criminal conspiracy in not required for proving the case u/s 120B I.P.C. the informant of the case has adduced sufficient evidence alongwith seizure for proving the case of prosecution that all the accused/appellants conspired for commission of the offence u/s 467, 414, 472 I.P.C. except u/s 467, 468, 472 alongwith 120B I.P.C. is a separate and*

exclusive offence, but it has to be read with the main offence of the I.P.C.

13. *I have given some anxious consideration to the fact for conviction u/s 414 1PC, as to whether it was required to be proved that the seized motorcycle in question were stolen property. Let me say that section 414 I.P.C. deals with an offence of assisting in concealment of stolen property. It has been held that once the prosecution proves regarding the ingredient of "reason to believe to be stolen property", the onus shifts upon the defence for proving that the property was genuinely held by him. In the instant case, the prosecution by way of proving the seizure list and seizure of the motorcycle alongwith fake seals of different transport officers and registration certificates. The prosecution has discharged its initial burden of proving a case that the defence should not have any reason to believe that the property is not a stolen property. Admittedly, the papers of the vehicle is not in the name of accused appellants and if read with it with the help of section 114 illustration (a), the onus shifted upon the defence for proving that the property was not stolen. There is a vital difference between the ingredients of Sec 411 and 414 IPC. It is found that to constitute an offence u/s 411, the property in question must be established to be stolen property, while Sec 414 IPC relates to the property in respect of which voluntary assistance has been rendered sufficient to conceal, dispose of or making away with it, which the offender knows or have reason to believe.*

14. *In view of the discussions above made, I come to a finding that the accused -appellants conspired with the gang of motorcycle lifters or formed a gang of persons for selling the stolen motorcycle and they have been found in possession of the stolen motorcycle for which they could not explain for retaining the same. I further find from the judgment of the learned C.J.M. that the learned C.J.M. has rightly convicted the accused-appellants for the offence u/s 467, 468, 472, 414 I.P.C. alongwith 120B I.P.C. and the accused appellant Sakil Ahmad has rightly been convicted u/s 467, 468, 472, 120B I.P.C.. I further find that the learned C.J.M. has taken a very lenient approach in awarding the composite sentence and the order of sentence requires no interference."*

25. The learned appellate court upheld the conviction and sentence of the petitioners and observed that the learned trial court has taken a lenient view while sentencing the accused persons.

26. So far as the judgment passed in the case of ***Roy V.D. -vs- State of Kerala (supra)*** is concerned, the same does not apply to the facts and circumstances, inasmuch as the case was decided with specific

reference and in the light of Section 41 and 42 of the ***Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the NDPS Act)*** and also refers to the earlier judgment passed in the case of ***State of Punjab Vs. Balbir Singh*** reported in ***(1994) 3 SCC 299*** wherein the Hon'ble Supreme Court had taken a view that arrest and search in violation of Sections 41 and 42 of Narcotic Drugs and Psychotropic Substances Act, 1985, being per se illegal, would vitiate the trial. The judgement passed in the context of Sections 41 and 42 regarding search and seizure under NDPS Act does not apply to this case. Merely because the house of a few co-accused fell under different police station as claimed by the petitioners has no bearing in this case. The search, seizure and recovery has been duly proved in this case and no such plea was ever raised with regard to any illegality or irregularity in the matter of authority of the officers to conduct search and seizure. There is no scope to reappreciate the evidences in revisional jurisdiction. The judgment passed in the case of ***Ashok @ Dangra Jaiswal Vs. The State of Madhya Pradesh reported in (2011) 5 SCC 123*** also relates to the trial which proceeded under the provisions of Narcotic Drugs and Psychotropic Substances Act, 1985 and in the said case, the material which was seized was not produced in evidence. The said judgement also does not apply to the facts of this case. In the present case, the documents relating to registration of the seized motorcycles were duly exhibited and the vehicles were not even standing in the name of the petitioners though they were recovered from their possession. Seized motorcycles were duly exhibited as material exhibit marked as Exhibit M1 to M 12.

27. This Court finds that the learned appellate court has recorded specific finding with regard to Section 120B of Indian Penal Code in paragraph 11 of the judgment by referring to various judgments of Hon'ble Supreme Court and further recorded under paragraph 12 of the judgment that pin point evidence of meeting of mind regarding criminal conspiracy was not required for proving the case under Section 120B of Indian Penal Code. It has been held that the informant

of the case had adduced sufficient evidence along with seizure for proving the case of the prosecution that all the accused/appellants conspired for commission of offence under Sections 467, 468, 414 and 472 of IPC except the accused Shakil Ahmed who was convicted for offence under Section 467, 468, 472 along with Section 120B IPC. It has also been held that though offence under Section 120B IPC is separate and exclusive offence but it has to be read with the main offence of the IPC. The appellate court has also dealt with the basic ingredients for offence under Section 414 of IPC and referred to Section 114 illustration (a) of the Evidence Act while upholding the conviction of the petitioners and other co- accused for offence under Section 114 of IPC.

28. It has been held that Section 414 IPC deals with the offence of assistance in concealment of stolen property and once prosecution proves regarding the ingredients of "reason to believe to be stolen property" the onus shifts upon the defence to prove that the property was genuinely held by him. The learned court recorded that the prosecution by way of proving the seizure list and seizure of the motorcycle along with fake seal of different transport officers and registration certificate and admittedly the papers of the vehicles were not in the name of the accused appellants and ultimately convicted the petitioners for offence under Section 414 of IPC. There are concurrent findings in connection with the manner in which the offence has been committed. The appellate court also recorded a finding that the accused conspired with gang of motorcycle lifters or formed a gang of persons for selling the stolen motorcycle and they were found in possession of stolen motorcycle for which they could not explain to retain the same. The appellate court also recorded that it has specifically come that all the rubber stamps were found to be manufactured in rubber stamp shop in the name and style of National Rubber Stamp company of accused Shakil Ahmed. Shakil Ahmed was also co-accused in the case and faced the trial along with others and was convicted.

29. Upon appreciation of evidence, the learned court has recorded a clear finding that the P.W.6, 7 and 9 have categorically stated in their evidence that upon receiving of the information, the police party firstly searched the house of Sakil Ansari, where the three motorcycles and registration papers, stamp and seal were recovered on his confessional statement; upon his disclosure, the police also raided the other co-accused persons whereon motorcycle and other fake papers including stamp and seal were recovered; the evidence brought on record showed that motorcycles were being sold after making preparation of forged documents and all conspired in commission of offence; the accused persons were jointly retaining the vehicles to be sold after preparing the forged document with the help of one and another and specifically accused Sakil Ahmad, who actively supported for making stamp and seal of D.T.O. of several districts.

30. This Court finds that the basic ingredients for offence under Sections 414/467/ 468/ 472 / 120 B of I.P.C. were duly satisfied and all the petitioners of the present case were rightly convicted under the aforesaid sections. There are concurrent findings recorded by the learned courts holding the petitioners guilty and this Court finds no reasons to interfere with the impugned judgements.

31. There is no perversity in the impugned judgements with regard to the conviction of the petitioners calling for any interference in limited scope of interference in revisional jurisdiction. There is no scope of reappreciating the evidences on record and coming to a different finding. The learned counsel for the petitioners has not been able to make out a case of perversity or material irregularity in the matter of appreciation of evidence by the learned court. This Court has also gone through the materials received from the court concerned and finds that the judgements impugned are well reasoned judgments based on materials on record calling for no interference.

32. Considering the nature and the manner of commission of the offence and involvement of the petitioners which stood proved against them, this Court is of the considered view that the petitioners are not

entitled for any lenient view. The composite sentence of the petitioners to undergo 3-year imprisonment with fine of Rs.2,000/- for offence under Sections 467, 468, 472, 414, 120B of IPC with default sentence of three months on account of non-deposit of fine is upheld.

33. Accordingly, these criminal revision petitions are dismissed.

34. Bail bond furnished by the petitioners is cancelled.

35. Pending interlocutory application, if any, is closed.

36. Let a copy of this Judgment be communicated to the court concerned through 'FAX'.

(Anubha Rawat Choudhary, J.)

Saurav/Rakesh/-