



2024:DHC:9081



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

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Date of Decision: 19.11.2024

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CRL.A. 290/2011

IQBAL SINGH

.....Appellant

Through: Mr.Sahil Malik, Mr.Aditya Jain and
Mr.Chetan Dabas, Advocates

versus

STATE

.....Respondent

Through: Mr.Nawal Kishore Jha, APP for State

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT (ORAL)

1. By way of present appeal, the appellant seeks to assail the judgment of conviction dated 17.02.2011 and order on sentence dated 21.02.2011 passed by learned ASJ, Tis Hazari Court, Delhi in FIR No.157/2005 registered under Sections 489B/489C/34/120B IPC at P.S. Pahar Ganj, Delhi.

2. The appellant was held guilty under Section 489-C IPC and sentenced to undergo rigorous imprisonment for a period of three years and fine of Rs.10,000/-, in default whereof to further undergo simple imprisonment for six months.

3. Pithily put, the facts, as noted by the Trial Court, are:-

“1.on 06.04.05 at about 2.30 PM, a secret information was received that one person namely T.P. Singh along with his 2-3 associates is selling fake currency notes and that he would come to



Railway Station, Pahar Ganj on the same day at about 4 PM, where he would deal with one person namely Mishra. ASI Gyanender Singh discussed the secret information with the senior officers and at about 3.30 PM, ASI Gyanender along with Ct. Sunil, Ct. Sanjay, Ct. Arun Kumar, Ct. Krishan and Ct. Bhim reached at New Delhi Railway Station in two private cars. They reached near the entry gate of Railway Station, Delhi and requested the public persons to join the proceedings who, however, refused to Join the same. A raiding party was constituted and Ct. Sanjay was deputed as decoy customer. After taking his personal search two currency notes in the denomination of Rs.500/- each bearing Nos. IBS613919 and 8DL63396 were handed over to him and he was directed to deal with the Accused, representing himself as one Mishra. Ct. Sunil was deputed as shadow witness.

2. At about 4.10 PM, three persons came to the Railway Reservation Office and the secret informer pointed towards one of them as T.P. Singh. The decoy customer and the shadow witness were given direction to deal with the said person and ASI Gyanender along with the staff stood at some distance from there. At about 4.25 PM, Ct. Sanjay, the decoy customer gave a pre-determined indication upon which ASI Gyanender along with staff apprehended the said three persons. One of them revealed himself as T.P. Singh and the others were Anand and Pintoo. Ct. Sanjay stated that Accused T.P. Singh had handed over four currency notes in the denomination of Rs.500/- each to him in lieu of two currency notes in the denomination of Rs.500/- each. Accused Anand and Pintoo also disclosed that they had currency notes of Rs.40/45,000/- with them. The shadow witness also supported the version of the decoy customer. On taking the personal search, Accused T.P. Singh, two currency notes in the denomination of Rs.500/- bearing Nos. IBS613919 and 8DL63396 which were handed over to him by decoy customer Ct. Sanjay were recovered from the wearing pant of the said Accused and upon conducting personal search of Accused Pappu Khan, twenty currency notes of Rs. 500/- each which appears to be fake were recovered. Recovered currency notes and the original notes which were handed over to Accused T. P. Singh by the decoy customer were taken into police possession after sealing them with the seal of 'JK' and seal after use was handed over to Constable Sunil.



3. *It is further the case of the Prosecution that during the course of further investigation and upon disclosure statement of Accused T. P. Singh, Accused Iqbal Singh was apprehended and on his pointing out fake currency notes totalling to Rs. 4,78,000/- were recovered. All the recovered currency notes were sent for expert opinion to Govt. Press Nasik. Chargesheet was filed before the court after completion of investigation. After supplying of copies of chargesheet to the Accused persons, case was committed to the Sessions Court for trial."*

4. The trial court framed charges against the present appellant under Sections 489C/120B IPC, to which he pleaded not guilty and claimed trial. The prosecution cited a total of seven witnesses. The Duty Officer was examined as PW4, who proved the registration of FIR exhibited as PW4/A. Head Constable Sanjay, who was the decoy customer was examined as PW3 and he also supported the testimony of PW2 ASI Gyanender Singh.

On the other hand, the accused, in his statement recorded under Section 313 Cr.P.C., claimed innocence and false implication. Though the appellant intended to cross examine one witness in defence but despite repeated opportunities, did not examine any. All the accused were convicted.

5. As per prosecution case, on receipt of secret information, a raiding party led by ASI Gyanender Singh reached parking of New Delhi Railway Station. ASI Gyanender Singh in his testimony before court deposed that Ct. Sanjay acted as a decoy customer and three accused were nabbed. From search of one of the apprehended person namely T.P. Singh, two notes of Rs.500/- each that were given by Ct. Sanjay to the accused were recovered. Recoveries of fake currency were also affected from co-accused Anand Das and Pappu Khan @ Pinto. To the similar extent is statement of Ct Sanjay, who was examined as PW3.

6. SI Jagdish Kumar, examined as PW5, deposed that on disclosure of



T.P.Singh, the present appellant was arrested and nine wads of currency notes in the denomination of Rs. 500/- and 56 loose currency notes in the denomination of Rs. 500/- each, i.e., total of 956 currency notes in the denomination of Rs. 500/- each were recovered. The currency notes were duly identified by the witness in court. Similarly, Insp. Suresh Kumar, examined as PW9, also deposed regarding recovery of 956 fake Indian currency notes in the denomination of Rs. 500/- at the instance of the appellant and also identified the case property in trial.

7. Appellant contended that the secret informer was not examined. The appellant failed to bring any doubt on the testimony of witnesses. Pertinently, all the accused including the present appellant were identified by the witnesses alongwith the case property recovered at their instance. In fact, testimony of Insp. Suresh Kumar (PW7) would reveal that before entering the house of the appellant, the officers also offered their search to appellant's mother however, she refused the same. There was also evidence on record in the form of Exhibit PX to establish that the subject currency notes were not genuine. This Court, based on the material produced and keeping in mind the facts and circumstances, concurs with the findings of the Trial Court.

8. Considering the aforesaid and after going through the evidence on record as well as the impugned judgment, this Court is of the considered view that there is no infirmity in the judgment of the learned Trial Court. Hence, I find no grounds to interfere with the same.

9. At this stage, learned counsel for the appellant, on instructions from the appellant who is present in person, states that he does not challenge the conviction on merits, however, prays that the sentence awarded to him be



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modified to the period already undergone by him. It is submitted that the petitioner is an old man and belongs to poor strata of society. He is also stated to be the sole bread earner in the family with a wife, siblings and mother to look after. It is also submitted that he has no prior involvements.

10. As per the nominal roll dated 26.07.2023 placed on record, the appellant's jail conduct has also been noted as satisfactory. The appeals of the co-convicts came for consideration before the Coordinate Benches of this Court and vide order dated 13.05.2011 passed in CrI. A. No.548/2011 and judgment dated 12.08.2011 in CrI. A. No.898/2011, their convictions were upheld and respective sentences were modified to the period already undergone by them.

11. Consequently, while maintaining appellant's conviction, his sentence is modified to the period already undergone.

12. Accordingly, the appeal is disposed of in the above terms. Bail bonds are cancelled and the surety stands discharged.

13. A copy of this order be communicated to the concerned Jail Superintendent as well the Trial Court.

MANOJ KUMAR OHRI
(JUDGE)

NOVEMBER 19, 2024

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