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

+ **CRL.A. 232/2017, CRL. MA 3578/2017**

SUBODH KUMAR

.....Appellant

Through: Mr. M.A. Khan and Mr. O.P. Aggarwal,
(M:9810563917) Advocates

versus

STATE

.....Respondent

Through: Mr Pradeep Gahalot, APP for State
with SI S.K. Jha PS Roop Nagar,
Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

19.12.2025

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1. By way of the present appeal, the appellant seeks to assail the judgment of conviction dated 30.01.2017 and order on sentence dated 04.02.2017 passed by ASJ-04, Central District, Tis Hazari Courts, Delhi in SC No. 27533/2016, arising out of FIR No. 91/2013 registered at P.S. Roop Nagar, Delhi under Section 489B and 489C IPC.

Vide order on sentence, the appellant was directed to undergo RI for a period of 2 years with a fine of Rs.5,000/- for the offence punishable under Section 489B IPC, in default thereof would undergo SI for a period of 1 week. The appellant is entitled to the benefit of Section 428 Cr.P.C.

2. Briefly, the prosecution case is that on 29.04.2013 at about 1:30PM, the appellant deposited about Rs.71,000/- as LIC premium. Upon verification, an amount of Rs.22,500/- of the said sum was found to be



counterfeit, 45 fake currency notes of Rs.500/- each. He was confronted with the same, whereupon he admitted his guilt and gave his written statement to this effect. The appellant, alongwith the counterfeit currency, genuine currency, and relevant documents were handed over to the police which were subsequently sent for comparison with his written statement. Upon completion of investigation, the charge sheet was filed against the accused.

3. In total, the prosecution examined 30 witnesses, including the two cashiers of LIC office where the appellant deposited the counterfeit currency, who were examined as PW-1 and PW-2. *Surender Sharma*, was present in the LIC Office, was examined as PW-3A (also referred as PW-3). The policy holders who stated that they had given genuine currency notes, were examined as PW-10, PW-12 and PW-24. The rest of the witnesses were formal in nature and deposed as to various aspects of the investigation.

4. The statement of the appellant was recorded under Section 313 Cr.P.C., wherein he denied the prosecution case and claimed false implication. He claimed to have been pressurised and threatened by LIC officials into writing a confession letter. Further, he stated that he had no knowledge about the counterfeit notes. In defence, he examined himself as DW-1.

5. A perusal of the record indicates that the testimonies of PW1 and PW-2 are consistent, cogent and inspire confidence. They have correctly identified the appellant. Their testimonies are also corroborated by the testimony of PW-3A as well as by PW-7, who admitted that the accused had written the said statement in his presence. The factum of 45 currency notes being counterfeit is further corroborated by the expert evidence of PW-9



from the Currency Note Press, Nashik, who conclusively opined that the said notes were counterfeit. PW-25 examined the questioned documents with specimen handwriting and signatures of the appellant and opined both to be written by the same person (Ex.PW25/C to Ex. PW25/R). The defence's claim of false implication remains unsubstantiated. Consequently, this Court finds no ground to interfere and the conviction of the appellant is upheld qua the offence under Sections 489B IPC.

6. Learned counsel for the appellant, on instructions from the appellant, submits that the appellant does not wish to press the appeal on merits and confine his prayer to seeking release on probation. He further submits that he has no prior criminal involvements. It is prayed that the benefit of Section 4 of the Probation of Offenders Act, 1958 be extended to him. It is further submitted that the fine imposed upon the appellant by the Trial Court stands paid and the receipt is already placed on record.

7. Learned APP for the State submits that the Status Report is on record as per which the appellant has no other involvements.

8. Pursuant to the directions of this Court, Mr. *Kuldeep Dahiya*, Probation Officer, Tis Hazari Courts, Delhi, has handed over the Social Investigation Report of the appellant, which is taken on record. It is noted that the appellant is aged 57, is a permanent resident of E-28, Prem Nagar 3rd, Astha Vihar, Kirari Sultanpuri, New Delhi. He resides with his wife and two daughters and one son, working as a labourer in FCI earning about Rs.22,000/-per month. He is physically and mentally fit, of normal social behaviour, and is regarded in the community as law-abiding and well-behaved, with no prior criminal antecedents or other pending cases apart from the present one. The probation officer's assessment records him as



having a stable family background, positive community image, and being the sole bread earner in his family.

9. The underlying object of releasing offenders on probation is to facilitate their reintegration into society as law-abiding citizens, fostering self-reliance and aiding in their reformation. A testament to the importance of this provision is that the Supreme Court in Lakhvir Singh & Ors. v. State of Punjab Anr.,¹ has extended the benefits of the Probation of Offenders Act, 1958 even to convicts who had not completed the mandatory minimum sentence of seven years as prescribed in Section 397 IPC.

10. It is pertinent to note that Section 489B IPC does not prescribe any minimum sentence. Given that even otherwise, the offence does not carry a mandatory minimum sentence, the Court retains discretion to extend the benefit of probation to the appellant, provided the circumstances justify such relief.

11. In view of the facts and circumstances of the case, the period of sentence already undergone, the judgement of conviction and order on sentence are upheld. However, considering the absence of prior criminal involvement, and the overall circumstances reflected in the probation report, as well as the legal position qua the applicability of Probation of Offenders Act as iterated above, the appellant is granted the benefit of probation on him furnishing a bond in the sum of Rs. 10,000/- to be paid within five weeks from today. They shall maintain peace and good behaviour for a period of one year and shall not commit any offence during the period of probation.

It is made clear that in the event of any breach of the conditions of



probation or involvement in any other offence during this period, the benefit granted under this order shall stand revoked, and the appellant shall be liable to undergo the remaining portion of the substantive sentence as awarded by the Trial Court.

12. The appeal and all pending applications, if any, stand disposed of in the above terms.

13. A copy of this judgment be communicated to the Trial Court, the concerned Probation Officer, and the concerned Jail Superintendent for information and compliance.

MANOJ KUMAR OHRI, J

DECEMBER 19, 2025/rd

¹ 1 (2021) 2 SCC 763