

Naveen Verma Vs State Of Uttarakhand

Court: Uttarakhand High Court

Date of Decision: June 20, 2019

Acts Referred: Indian Penal Code, 1860 " Section 34, 189C, 420, 489B, 489C
Code Of Criminal Procedure, 1973 " Section 207, 294, 313

Hon'ble Judges: R.C. Khulbe, J

Bench: Single Bench

Advocate: Devesh Upreti, A.K. Sah

Final Decision: Dismissed

Judgement

R. C. Khulbe, J

1. The present appeal is preferred by the convict Naveen Verma challenging the judgment and order dated 29.04.2013, passed by the Sessions Judge,

Pauri Garhwal, in Session Trial No. 42 of 2012 whereby, the appellant-accused was held guilty for the offence punishable under Section 489-C IPC

and was sentenced to undergo rigorous imprisonment for a period of nine months and to pay a fine of Rs. 2,000/-, and in default of making payment of

fine, to undergo additional simple imprisonment of two months.

2. The factual matrix of the case is that on 2.09.2012, the complainant-S.O. P.S. Laxmanjhula, namely, Amarjeet Singh along with his associates S.I.

Preetam Singh, S.I. Anand Mehra, SCP Anil Kumar, HC 55 CP Virender Ram, Constable Mohokam Singh and Constable Vinita Sharma, were on

patrolling duty in front of police post Ramjhula. A secret information was given by the secret informer that four persons were coming from parking of

Muni-ki-rati via Ramjhula using the fake currency notes. Believing on this fact/information of informer, the complainant asked the passers by to join

them but none agreed for the same. The secret informer, pointing out towards two men and two women, who were coming from Muni-ki-rati, went

away. The complainant apprehended that all the four persons in front of police post Ramjhula. The complainant asked their names and addresses and

took their personal search. Those persons disclosed their names and addresses as Narender Verma, Naveen Kumar Verma (appellant), Sangeeta

Verma W/o Sh. Narender Verma and Jaya Verma W/o Sh. Naveen Verma. On the search of all above-named persons, the total fake currency notes

worth Rs. 37,000/-, in the denomination of Rs. 500/- and 1000/- were recovered. Out of this, 17 currency notes of Rs. 500/- denomination each were

recovered from the upper front pocket of the shirt worn by the appellant. The complainant sealed all the recovered currency notes in a separate

plastic bag, and assigned the number as A, B, C, and D from the above named persons.

3. Thereafter, the complainant prepared the seizure memo and got registered the case at P.S. Laxmanjhula for the offences punishable under Sections

420, 489-B, 189-C, 34 IPC. The matter was investigated and after completion of investigation, a charge-sheet was filed for the offences punishable

under Sections 420, 489B, 489-C IPC against the appellant and other three above named accused persons, before the Magistrate concerned at District

Pauri Garhwal. After compliance of Section 207 Cr. P.C., the matter was committed to the Court of Sessions.

4. Learned Sessions Judge, framed the charge for the offences under Sections 489-B and 489-C IPC against each of accused persons, for which they

plead not guilty and claimed trial.

4. The prosecution was afforded opportunity to adduce evidence so as to prove the charges levelled against the accused. The prosecution has got

recorded the statement of one witness in support of its case i.e PW-1 Amarjeet Singh (complainant/S.O. P.S. Laxmanjhula). He was also cross-

examined by the learned counsel for the accused persons.

5. After completion of prosecution evidence, the statement of accused persons as well as that of appellant-accused Naveen Verma was recorded

under Section 313 Cr.P.C. No evidence in defence was given by the accused.

6. After hearing both the parties, the Trial Court convicted and sentenced the accused, as aforementioned. Assailing the said judgment, the present

appellant Naveen Verma has filed the instant appeal.

7. I have heard learned Counsel for the parties and perused the evidence and other material available in the record.

8. It is argued by learned Counsel for the appellant that the prosecution did not produce any clinching evidence against the appellant. The prosecution

did not prove the mens rea as per section 489-C of IPC; and the accused cannot be convicted on the basis of the statement given u/s 313 Cr.P.C.

9. As per the prosecution story, on 2.9.2012, when the police party was on patrolling duty, a secret information was received that 4 persons were

coming from Muni-ki-Reti via Ram Jhula using the fake currency notes. Believing on this information, the police party reached in front of police post

Ramjhula and apprehended the appellant and another accused. The police party enquired the names and addresses and also took their personal

search. A total fake currency notes worth Rs.37,000/- in the denomination of Rs.500 and Rs.1000/- were recovered. From the possession of present

appellant, 17 fake currency notes in the denomination of Rs.500/- were recovered.

10. In this regard, the prosecution has produced S.I. Amarjeet Singh who narrated the story, as alleged in the FIR and proved the recovery/arrest

memo Ex.Ka-3. He also proved in his statement that 17 fake currency notes in the denomination of Rs.500/- were recovered from the possession of

the appellant. The above witness have also proved the date, time and place of occurrence. The FIR, Ex.Ka-8, charge-sheet Ex.Ka-7 and the map

prepared by the I.O. Ex.Ka-9 were admitted by learned defence counsel, as provided under Section 294 Cr.P.C. That apart, from a perusal of the

record, it is clear that all the accused had filed a joint application (paper no.20Kha) stating that they are in jail and there is no bread earner in their

family and they are ready to confess their guilt and to pay the fine and wanted to get the case disposed of on the basis of confession.

11. The statements of accused were recorded by the Trial Court. I have also perused the statement of present appellant as recorded u/s 313 Cr.P.C.

In his statement, he admitted all the facts. He also admitted that 17 fake currency notes in the denomination of Rs.500/- were recovered from him. He

also stated in his statement that he has admitted the offence on his own volition. On the basis of the evidence produced by the prosecution as well as

the confessional statement recorded u/s 313 Cr.P.C., learned Sessions Judge convicted and sentenced the appellant, as mentioned hereinabove.

12. From a perusal of the record, it does appear that the accused had confessed his guilt on his own volition, and on behalf of the appellant, learned

defence counsel had admitted the FIR, charge-sheet, map and other documents produced by the prosecution.

13. I find no illegality or irregularity in the impugned judgment. I also find that the Sessions Judge has convicted the appellant on the basis of the

evidence produced by the prosecution as well as the statement recorded u/s 313 Cr.P.C.

14. The appeal, therefore, lacks merit and the same is, accordingly, dismissed. The impugned judgment and order, convicting and sentencing the

appellant, as above, is hereby affirmed.