

(2010) 11 P&H CK 0393

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Appeal S-562-SB of 2002

Surinder Singh

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: Nov. 17, 2010

Acts Referred:

- Penal Code, 1860 (IPC) - Section 489C

Hon'ble Judges: Tej Pratap Singh Mann, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

T.P.S. Mann, J.

This appeal is directed against the judgment of conviction dated 27.3.2002 and order of sentence dated 28.3.2002, passed by Additional Sessions Judge, Rohtak, whereby the Appellant was convicted u/s 489C IPC and sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs. 2000/-and in default of payment of fine, to undergo further rigorous imprisonment for two months.

2. According to the prosecution, the Appellant had used two counterfeit currency notes of the denomination of Rs. 100/-each at the petrol pump being run under the name of M/s Kapoor Chand Fateh Chand Jain in village Bhalaut, where complainant-Ajit Singh was working as a Salesman. At that point of time, the Appellant tried to run away from the spot but he was chased and overpowered. The police was summoned at the spot and the Criminal Appeal S-562-SB of 2002 -2-Appellant was taken into custody. While in custody, the Appellant produced two more counterfeit currency notes of the denomination of Rs. 500/-each and thirteen counterfeit currency notes of the denomination of Rs. 100/- each.

3. Learned Counsel for the Appellant has not challenged the impugned judgment of conviction. However, he has submitted that the Appellant is not a previous convict. His father and elder brother have already died. The Appellant is required to look

after his family members, besides that of his deceased brother. Even his sister had died and her two children are living with him. The Appellant has been facing the agony of criminal prosecution for the last more than 11 1/2 years. Out of the sentence of imprisonment imposed upon him, he has already undergone about 21 1/2 months. He has also deposited the fine imposed upon him by the trial Court. Therefore, the remaining sentence of imprisonment of the Appellant be set aside.

4. Learned State counsel has submitted that as the Appellant had used counterfeit currency notes, he does not deserve any leniency in the matter of sentence of imprisonment. However, the State counsel has produced custody certificate as per which, the Appellant has already undergone an actual period of two months and twelve days.

5. Taking into consideration the totality of the circumstances, the Court is of the view that no useful purpose would be served by sending the Appellant behind the bars once again for undergoing his remaining sentence of imprisonment. Ends of justice would be amply met if the substantive sentence of the Appellant is reduced to that already undergone by him and the fine suitably enhanced.

6. Resultantly, the conviction of the Appellant u/s 489C IPC is maintained. His substantive sentence of imprisonment is reduced to that already undergone by him. However, the fine of Rs. 2000/- imposed upon the Appellant by the trial Court is enhanced to Rs. 20,000/-. The enhanced amount of fine be deposited by the Appellant with the trial Court within three months from today, failing which he shall be required to undergo rigorous imprisonment for six months.

7. The appeal is, accordingly, disposed of.