

---

## Surinder Singh Vs State of Haryana

### Criminal Appeal S-562-SB of 2002

---

**Court:** High Court Of Punjab And Haryana At Chandigarh

**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 2 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.