
(1974) WLN 200

Rajasthan High Court

Case No: Criminal Appeal No. 15 of 1874

Chhoteylal

APPELLANT

Vs

The State of Rajasthan

RESPONDENT

Date of Decision: Jan. 31, 1974

Acts Referred:

Penal Code, 1860 (IPC) " Section 409, 467

Citation: (1974) WLN 200

Hon'ble Judges: V.P. Tyagi, J

Bench: Single Bench

Judgement

V.P. Tyagi, J.

This appeal of Chhoteylal has been admitted by this Court only on the question of the adequacy of sentence awarded to

him.

2. The appellant who was working as Extra Departmental Delivery Agent at the Post Office, Hindoli, was entrusted with money order No. 1552

of Rs. 13 70 to be delivered to one Ghasilal, but instead of delivering the amount of the money order to the addressee he forged the signatures of

Ghasilal as well as of one Dharamchand attesting witness and misappropriated the amount. He has been convicted by the learned trial Judge for

offences Under Sections 409 and 467 Indian Penal Code and awarded one years" rigorous imprisonment and a fine of Rs. 300/- under the first

count & one year"s rigorous imprisonment & a fine of Rs. 500/- under the second count.

3. learned Counsel appearing on behalf of the appellant argues that the sentence awarded to the appellant is excessive because the appellant is

hardly a boy of 22. As regards fine, it is contended that he is not in a position to pay the fine and, therefore, looking to his financial condition the

sentence of fine may be set aside.

4. I have gone through the judgment and I find that the appellant does not deserve any reduction of substantive sentence. Both the substantive

sentences are, however, ordered to run concurrently and that is sufficient relief that has already been given to him in the matter of substantive

sentence. However, I feel that the fine imposed by the trial court is excessive. The sentence of fine under both the counts is, therefore, reduced to

Rs. 50/- each; in default the appellant shall undergo fifteen days" rigorous imprisonment for each default. The sentence awarded in case No. 15 of

1973 of which Appeal No. 16 of 1974 is pending shall run concurrently with the sentence passed in this appeal.

5. The appeal is, therefore, partly allowed as observed above.