

(1979) 01 SC CK 0034

Supreme Court of India

Case No: Criminal Appeal No. 102 of 1973

Gurdev Singh Shahi

APPELLANT

Vs

State of West Bengal

RESPONDENT

Date of Decision: Jan. 16, 1979**Acts Referred:**

- Penal Code, 1860 (IPC) - Section 48

Citation: AIR 1979 SC 1195 : (1979) CriLJ 942**Hon'ble Judges:** S. Murtaza Fazal Ali, J; A. D. Koshal, J**Bench:** Division Bench**Final Decision:** Dismissed

Judgement

@JUDGMENTTAG-ORDER

S. Murtaza Fazal Ali, J.

In this appeal by special leave the appellant has been convicted u/s 48 of the I.P.C. and sentenced to one month's rigorous imprisonment and a fine of Rs. 500/-. The appellant was working in the Daily Navi Prabhat Press and as an employee of the press he had received Rs. 180/- on 1-6-1964 from Sri Gurdev Singh Shahi, P.W. 1 and Rs. 120.32 on 2-5-1964 from Anandilal. The prosecution has proved from the evidence of P.Ws. 1 and 5 that the appellant undoubtedly received these amounts. The only defence taken by the appellant in his statement u/s 342 was that he never received these amounts. The prosecution has further proved from the evidence of P.Ws. 1 and 5 as also the evidence of the owner of the press that he had received the money but has failed to account for it. We have gone through the judgment of the President Magistrate and we do not find any mer in this appeal. The High Court summarily dismissed the appeal as it thought there was absolutely no point for further investigation. We would further like mention that there is no allegation that the appellant had committed any misappropriation before and this appears to be his first offence. As he is a young man and a law graduate so a serious notice of the lapse need not be taken and that is why the trial court took a lenient view

and imposed a nominal sentence of one month"s rigorous imprisonment only and a fine of Rupees 500/-.

2. There no force in this appeal which is accordingly dismissed.