

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.1100 OF 2017

**MOHAMMED SHOEB @ BABLU
MAQBOOLBHAI DIVAN**

APPELLANT(S)

VERSUS

THE STATE OF GUJARAT

RESPONDENT(S)

WITH

CRIMINAL APPEAL NOS.1054-1057 OF 2017

CRIMINAL APPEAL NO.1283 OF 2017

ORDER

1. Since the issues raised in all the captioned appeals are the same and the challenge is also to the self-same judgement and order passed by the High Court, those were taken up for hearing analogously and are being disposed of by this common order.

2. These appeals arise from a common judgement and order passed by the High Court of Gujarat at Ahmedabad dated 4th March, 2016 in Criminal Appeal Nos. 461/2005, 533/2005, 712/2005, 797/2005, 933/2005, and 1103/2005 respectively by which the High Court dismissed all the appeals and thereby affirmed the judgement and order passed by the Additional

Sessions Judge, Court No.13, City Sessions Court, Ahmedabad in Sessions Case No. 250 of 2003, by which the appellants herein stood convicted for the offence punishable under Sections 489(B) and 489(C) respectively of the Indian penal code, 1860(For short "the IPC"). Whereas, they were acquitted for the offence punishable under Sections 489(A), 489(D), 120-B, 201 read with 114 of the IPC.

3. We take note of the fact that the prosecution is of the year 2002. Upon information received by a police constable viz. Prakashbhai Chhappanbhai (PW-3) a raid was carried out somewhere near the Cross road of Thakkar Bapanagar, Ahmedabad.

4. At the time of raid four appellants herein were searched & fake counterfeit currency notes of the denomination of Rs.100 and Rs.500 respectively were recovered from their possession. In the course of the investigation, the other co-accused also came to be arrested. Ultimately, all accused persons were charge sheeted for the offence enumerated above.

5. In the course of the trial, the prosecution examined 22 witnesses.

6. It appears that the appellants herein examined 16 defence witnesses.

7. At the end of the trial, all the appellants stood convicted for the offence enumerated above, more particularly, in accordance with the charge framed by the trial court. All the appellants went before the High Court with their

respective appeals. The High Court *vide* judgement and order dated 4th March, 2016, dismissed all the six appeals and thereby affirmed the judgement and order of conviction passed by the trial court.

8. The appellants stood convicted for the following offences and were sentenced accordingly :-

Accused	Offence/ Sentence by Trial Court [@pg217 of the Paper Book]
<p>Accused No.1 Ajitkumar Pravinbhai Patel And Accused No.4 Janak Kantilal Patel</p>	<ul style="list-style-type: none"> • 5 years rigorous imprisonment and fine to the tune of RS. 5000 /- (Rupees five thousand only), in default thereof, to undergo more 3(three) months rigorous imprisonment for the offence punishable under Section 489(B) of the Indian Penal Code. • 3 years rigorous imprisonment and fine to the tune of RS. 5000 /- (Rupees five thousand only), in default thereof, to undergo more 3(three) months rigorous imprisonment for the offence punishable under Section 489(C) of the Indian Penal Code.
<p>Accused No.2 Anis Mansukhbhai Panchal And Accused No.3 Atul Narandas Patel</p>	<ul style="list-style-type: none"> • 5 years rigorous imprisonment and fine to the tune of RS. 5000 /- (Rupees five thousand only), in default thereof, and to undergo more 3(three) months rigorous imprisonment for the offence punishable under Section 489(B) read with Section 114 of the Indian Penal Code. • 3 years rigorous imprisonment and fine to the tune of RS. 5000 /- (Rupees five thousand only), in default thereof, to undergo more 3(three) months rigorous imprisonment for the offence punishable under Section 489(C) of the Indian Penal Code.
<p>Accused No.5 Bipinkumar Ramanlal Patel and Accused No.6 Baldevbhai Ranchhodbhai Chaudhary and Accused No. 7</p>	<ul style="list-style-type: none"> • 2 years 6 months rigorous imprisonment and fine to the tune of RS. 5000/- (Rupees five thousand only), in default thereof, to undergo more 3(three) months rigorous imprisonment for the offence punishable under Section 489(C) of the Indian Penal Code.

Mahamadshoeb alias Bablu Makbulbhai Diwan	
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9. We heard Ms. Kruti Shah, Mr. Garvesh Kabra, and Mr. Dwarka, the learned counsel appearing for the respective appellants and Ms. Ruchi Kohli, the learned senior counsel appearing for the State of Gujarat.

10. Considering the nature of the evidence on record and also the manner in which both the Courts below have looked into, the oral evidence as well as documentary evidence, we find/see no reason to interfere with the impugned judgement and order passed by the High Court. However, we take notice of the fact that the maximum sentence that has been imposed is five years with fine. Most of the appellants herein have undergone 50% of the sentence as imposed by the trial court. They all have paid the fine as imposed by the trial court.

11. We also take notice of the fact that this prosecution is now almost 22 years old. There are no other antecedents of the appellants.

12. In such circumstances, we deem fit to allow all the appeals in part. While maintaining the judgement and order of conviction passed by the trial court as affirmed by the High

Court, we reduce the sentence to the period already undergone.
The bail bonds furnished by all the appellants stands discharged.

13. Pending application(s), if any, stands disposed of.

.....J.
[J.B.PARDIWALA]

.....J.
[R. MAHADEVAN]

New Delhi;
09th January, 2025.

ITEM NO.104

COURT NO.14

SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No.1100/2017

MOHAMMED SHOEB @ BABLU MAQBOOLBHAI DIVAN

Appellant(s)

VERSUS

THE STATE OF GUJARAT

Respondent(s)

WITH

CrI.A. No. 1054-1057/2017 (II-B)

(FOR [PERMISSION TO FILE ADDITIONAL DOCUMENTS] ON IA 10660/2016
IA No. 10660/2016 - PERMISSION TO FILE ADDITIONAL DOCUMENTS)

CrI.A. No. 1283/2017 (II-B)

Date : 09-01-2025 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE R. MAHADEVAN

For Appellant(s) Ms. Manju Jetley, AOR

Mrs. Kruti Shah, Adv.
Mr. Shubham Jain, AOR
Mr. Pratul Pratap, Adv.
Mr. Jay Shah, Adv.
Ms. Dhruti Pandya, Adv.

Mr. Garvesh Kabra, AOR
Mr. Abhishek Jaju, Adv.
Mrs. Pooja Kabra, Adv.
Mrs. Nikita Jaju, Adv.
Mr. Avanish Deshpande, Adv.
Mr. Dwaraka Sawale, Adv.

For Respondent(s) Ms. Ruchi Kohli, Sr. Adv.
Ms. Swati Ghildiyal, AOR

Ms. Devyani Bhatt, Adv.
Ms. Srishti Mishra, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. The appeals are allowed in part in terms of the signed order.

The operative portion of the signed order reads thus:-

“we deem fit to allow all the appeals in part.
While maintaining the judgement and order of
conviction passed by the trial court as affirmed
by the High Court, we reduce the sentence to the
period already undergone.
The bail bonds furnished by all the appellants
stands discharged.”

3. Pending application(s), if any, stands disposed of.

(CHANDRESH)
COURT MASTER (SH)

(POOJA SHARMA)
COURT MASTER (NSH)

(Signed order is placed on the file)