

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS.514-515 of 2017

SHAIKH MUSTAFA AND ORS.ETC.

.....APPELLANTS

VERSUS

STATE OF MAHARASHTRA

.....RESPONDENT

O R D E R

Heard learned counsel for the parties.

These appeals are directed against the order passed by the High Court whereby the High Court dismissed the appeals filed by the appellants and upheld the conviction of the appellants.

Appellant Nos.1 and 2 were convicted for the offences punishable under Section 489-B read with 34 of the Indian Penal Code. They were sentenced to undergo rigorous imprisonment for five years and to pay a fine of Rs.1,000/- for the said offences. They were also convicted for the offence punishable under Section 420 read with 34 of Indian Penal Code and sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs.500/- each.

Appellant Nos.3 and 4 were convicted for the offences punishable under Section 489-C of Indian Penal Code and were sentenced to suffer rigorous imprisonment for three years each and to pay fine of Rs.500/-.

Appellant No.5 was convicted for offences punishable under Sections 489-C and 489-D read with 34 of Indian Penal Code. He was sentenced to suffer rigorous imprisonment for five years and

to pay fine of Rs.1,000/-.

Appellant No.6 was convicted for the offences punishable under Section 201 of India Penal Code and sentenced to suffer rigorous imprisonment for two years. Appellant - Laxman @ Raju in Criminal Appeal No.279 of 2001 was convicted for the offence punishable under Section 489-D read with 34 IPC and sentenced to suffer rigorous imprisonment for five years each and to pay fine of Rs.1,000/- each in default to undergo rigorous imprisonment for six months each.

The prosecution case briefly stated is that accused Nos.1 and 2 came to the shop of P.W-6 - Santosh Tolambe and tendered currency note in the denomination of Rs.50/- and purchased a packet of biscuit for Rs.4.50. Thereafter, they went to another shop of PW.-12 - Suryakant Nirmale and again tendered currency note of Rs.50/- and purchased small items. P.W.6 - Santosh Talambe was suspicious and on checking, he found that the note appeared to be counterfeit. In these circumstances, the complainant - P.W.-6, P.W.-12 (Suryakant Nirmale) along with P.W.-15 (Sajjan Gathal) went to the police station. Accused Nos.1 and 2 were apprehended. Thereafter, the police investigated the matter and recovered the counterfeit currency. During investigation, counterfeit currency notes were also recovered from the other accused. Thereafter, all the accused were chargesheeted for having committed the offences aforesaid and after trial, they were convicted and their appeals were dismissed and hence, the appellants have filed the present appeals.

After going through the entire record, we find no reason

to disagree with the judgment rendered by the trial Court or of the High Court. We, therefore, uphold the conviction of the appellants. However, as far as sentence is concerned, it is submitted by the learned counsel for the appellants that the appellants are very poor and they are daily wagers and rickshaw pullers. On examination of the record, it appears to us that the appellants are not the master minds but are mere carriers used to exchange the counterfeit notes. It is submitted by the learned counsel for the appellants that all the accused have undergone sentence of more than 18 months. We are, therefore, of the view that the sentence already undergone by the appellants is more than sufficient keeping in view the nature of offence and the role of the appellants.

The appeals are accordingly partly allowed, the conviction of the appellants is upheld and their sentence is reduced to the period already undergone by them. The appellants who are in custody shall be released forthwith unless required in any other case. In case any of the appellants is on bail, his bail bonds stand discharged.

.....J.
(ASHOK BHUSHAN)

.....J.
(DEEPAK GUPTA)

NEW DELHI;
JUNE 6, 2017.

ITEM NO.117

COURT NO.4

SECTION -IIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SCRIMINAL APPEAL Nos.514-515 OF 2017

SHAIKH MUSTAFA AND ORS.ETC.

Appellant(s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

Date : 06/06/2017 This appeal was called on for hearing today.

CORAM :

HON'BLE MR.JUSTICE ASHOK BHUSHAN
HON'BLE MR.JUSTICE DEEPAK GUPTA
(Vacation Bench)For Petitioner(s) Ms.Prachiti Deshpande, Adv.
Dr.R.R.Deshpande, Adv.

For Respondent(s) Mr.Nishant Ramakantrao Katneshwarkar, Adv.

Upon hearing counsel the Court made the following

O R D E R

The appeals are partly allowed, the conviction of the appellants is upheld and their sentence is reduced to the period already undergone by them. The appellants who are in custody shall be released forthwith unless required in any other case. In case any of the appellants is on bail, his bail bonds stand discharged.

(SATISH KUMAR YADAV)

AR-CUM-PS

(MADHU NARULA)

COURT MASTER

(Signed order is placed on the file)