
(1973) 11 SC CK 0032

In the Supreme Court Of India

Case No : Criminal Appeal No. 148 of 1970

Budh Singh

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 22-11-1973

Acts Referred:

Penal Code, 1860 (IPC) — Section 409, 477A

Citation : AIR 1974 SC 1354 : (1974) CriLJ 614 : (1974) 3 SCC 638 : (1974) SCC(Cri) 168

Hon'ble Judges : Y. V. Chandrachud, J;M. Hameedullah Beg, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

M.H. Beg, J.

1.The appellant Budh Singh,. who was the Manager of the Rural Co operative Bank Ltd., Niwaz Nagar, in Maharashtra from 1962-64, was acquitted of charges under Sections 409 and 477A, Indian Penal Code, by the learned Additions Sessions Judge, Sangrur. On an appeal against his acquittal, the High Court of Punjab and Haryana, by means of a very though and careful judgment, set aside the acquittal. It convicted him u/s 409, I.P.C. and sentenced him to one year's rigorous imprisonment and to pay a fine of Rupees 3,000/- and in default of payment of fine, to undergo three months' further rigorous imprisonment, It also convicted him u/s 477A, I.P.C. and sentenced him to six months' rigorous imprisonment. The sentences were directed to run concurrently. A direction was also given that, out of the fine recovered, a sum of Rs. 2,856.29, will be paid to the Bank.

2. It appears that large sums of money were deposited by Gram Panchayats in the Cooperative Bank after grants made to the Panchayats by the State Government for construction of tanks. The Panchayats were unable to obtain the required payments from the Bank. Therefore, they complained to the Block Development and Panchayat Officer, 'who visited the. Flank on 24-8-1963 and

examined its account books. He found that the Bank did not have enough funds to make the required payments. Immediately there after, the appellant contrived to make false entries in the account books of the Bank, so as to show repayments of loans by a number of deposits. No less than seven of these depositors had come forward and deposed, against their own interests, that they had made no such repayments. Their evidence had been rightly believed by the High Court which observed that, but for these fictitious entries, the Bank would have not been able to show payments of Rs. 11,200/- and Rs. 10,000/- to the Sarpanches Pooran Chand. P.W. 10 and Ramji Lal, P.W. 13, through Raj Kumar Mehta, P.W. 14, the Chairman of the Bank. The Sarpanch as well as the Chairman of the Bank deposed that no such payments were made. The High Court had, for very good reasons given by it, believed the testimony of the Sarpanches and Raj Kumar Mehta. It believed the statements of the Sarpanches that their signatures were obtained on alleged receipts by making false representations that they were signing applications for fertilizers.; The evidence against the appellant was overwhelming. We, therefore, think that the High Court had rightly set aside the acquittal; and found both the charges duly proved against the appellant. The sentences awarded were also quite proper.

3. Consequently, after having heard and duly considered all that the learned Counsel for the appellant could say in such a case, we dismiss this appeal.