
(2023) 11 UK CK 0038

In the Uttarakhand High Court

Case No : Criminal Revision No. 814 Of 2023

Mangat Ram Kukreti

APPELLANT

Vs

State Of Uttarakhand And Another

RESPONDENT

Date of Decision : 06-11-2023

Acts Referred:

Indian Penal Code, 1860 — Section 409, 467

Citation : (2023) 11 UK CK 0038

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Vinoda Nand Barthwal, Akshay Latwal

Judgement

Alok Kumar Verma, J

1. Proposed Criminal Revision has been filed against the judgment dated 17.10.2023, passed by learned Sessions Judge, Pauri Garhwal, Camp Court, Kotdwar in Criminal Appeal No.08 of 2020, by which, the Appeal, filed against the judgment dated 17.12.2019, passed by learned Chief Judicial Magistrate, Pauri Garhwal on 17.12.2019 in Criminal Case No.458 of 2018, by which, the revisionist- accused was convicted and sentenced to undergo rigorous imprisonment for a period of two years along with a fine of Rs.5,000/-under Section 409 of the Indian Penal Code, 1860 (in short, "IPC"), and, he was further convicted and sentenced to undergo rigorous imprisonment for a period of two years along with a fine of Rs.5,000/-under Section 467 IPC, has been dismissed.

2. Heard Mr. Vinoda Nand Barthwal, learned counsel for the revisionist and Mr. Akshay Latwal, learned Brief Holder for the State.

3. Mr. Akshay Latwal, AGA, for the State submits that the case of the prosecution is that the revisionist – accused was working as a Post Master and the amount deposited by the informant was withdrawn using his forged signature.

4. On the other hand, learned counsel for the revisionist contended that the

Forensic Science Laboratory's report is not available on the record to prove the said allegations, levelled against the revisionist.

5. Admit.

6. Learned counsel for the State has sought four weeks' time for arguments.

7. Heard on the Bail Application (IA No.01 of 2023).

8. Mr. Vinoda Nand Barthwal, Advocate, has produced a copy of a report of the Jailor, District Jail, Pauri Garhwal dated 06.11.2023. As per the said report, revisionist is in judicial custody since 30.10.2023. The said copy is taken on record.

9. Mr. Vinoda Nand Barthwal, Advocate, submits that the revisionist, aged about 67 years, was on bail during the trial and appeal, and, the conditions of bail were neither violated nor misused by him.

10. Having considered the submissions of learned counsel for both the parties and in the facts and circumstances of the case, this Court is of the view that the revisionist deserves bail at this stage.

11. The Bail Application (IA No.01 of 2023) is allowed.

12. Let the revisionist – Mangat Ram Kukreti be released on bail on his executing a personal bond and furnishing two reliable sureties, in the like amount, to the satisfaction of the Court concerned.

13. List on 09.01.2024.