

(1979) 01 SC CK 0078

In the Supreme Court Of India

Case No : Criminal Appeal No. 150 of 1974

Manilal Girdharilal Shah

APPELLANT

Vs

State of Gujarat

RESPONDENT

Date of Decision : 31-01-1979

Acts Referred:

Penal Code, 1860 (IPC) — Section 471

Citation : AIR 1979 SC 1343 : (1979) CriLJ 1117 : (1979) 4 SCC 716 : (1980) SCC(Cri) 156 : (1979) 11 UJ 393

Hon'ble Judges : S. Murtaza Fazal Ali, J;A. D. Koshal, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

S. Murtaza Fazal Ali, J.—In this appeal by special leave the appellant has been convicted u/s 471 IPC and sentenced to one year's rigorous imprisonment and a fine of Rs. 1,000/-. Mr. V.S Desai has pressed this appeal on the question of sentence only. It appears from the record that the appellant has served more than two months in jail. From the facts found by the courts below it also appears that although a forged Bank Guarantee Bond was filed by the appellant before the Public Works Department but as soon as the forgery was detected the appellant immediately withdrew the bond and paid Rs. one lakh and forty three thousand by way of fixed deposit receipts. Thus even if the appellant had used forged documents, it is clear that no loss has been caused to anybody. In this view of the matter we are inclined to take a lenient view of the matter. We, therefore, while upholding the conviction of the appellant reduce the sentence of imprisonment to the period already served and for the balance of the sentence remitted we impose an additional fine of Rs. 4,000/-. Thus the total fine imposed is Rs. 5,000/-, in default six months rigorous imprisonment. With this modification, the appeal is dismissed.