
(1979) 02 SC CK 0058

In the Supreme Court Of India

Case No : Criminal Appeal No. 324 of 1976

Ram Pyaralal Shrivastava

APPELLANT

Vs

State of Bihar

RESPONDENT

Date of Decision : 16-02-1979

Acts Referred:

Penal Code, 1860 (IPC) — Section 477A
Prevention of Corruption Act, 1988 — Section 5(2)

Citation : AIR 1980 SC 1523 : (1980) 1 SCC 492 : (1980) SCC(Cri) 260 : (1979) 11 UJ 508

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 5(2) of the Prevention of Corruption Act and a fine of Rs. 160/- in default to undergo R.I. for two months and has also been convicted u/s 477A of the Indian Penal Code and sentenced to R.I. for one year. We have heard learned Counsel for the parties. Mr., Shiv-Pujan Singh appearing for the appellant has vehemently argued that there was no legal evidence to prove that the handwriting on Ex. 4/1, 4/3 and 4/5, the disputed blank paper ticket and the signatures which have been proved to be those of the appellant, are of the appellant and thus if this is established, the appellant is entitled to an acquittal. It appears, however, that the writing of the appellant has been proved on these documents not only by the experts but also by some other witnesses who were fully acquainted with the writing of the appellant. We have ourselves examined the signatures of the appellant on Ex. 4/1, 4/3 and 4/5 with the admitted signatures on Exh. 3, 3/1 and 3/2 and we find that there is large measure of similarity and clear resemblance in almost all the characteristics in the two writings. In this view of the matter we are not in a position to accept the submission of the appellant. The appeal is accordingly dismissed.