

(1980) 08 SC CK 0022

In the Supreme Court Of India

Case No : Criminal Appeal No. 202 of 1975

Shriniwas Pandit Dharamadhikari and Others

APPELLANT

Vs

State of Maharashtra

RESPONDENT

Date of Decision : 28-08-1980

Acts Referred:

Penal Code, 1860 (IPC) — Section 30, 4, 417, 420, 465

Citation : (1980) 4 SCC 551 : (1981) SCC(Cri) 45 : (1980) 12 UJ 908(1)

Hon'ble Judges : E. S. Venkataramiah, J; A. C. Gupta, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

A.C. Gupta, J.—The appellant was convicted of offences under Sections 417 and 420 read with Section 511 and Section 471 read with Section 467 of the Indian Penal Code and sentenced to various terms of imprisonment and fine for those offences. Having heard Counsel for both sides we do not find any reason to disturb the order of conviction in respect of offences under Sections 417 and 420 read with Section 511 but as regards the offence u/s 471 read with Section 467 I.P.C. we do not think that the two certificates the appellant has been found to have forged to get admission in the Arts the Commerce College affiliated to Poona University could be described as 'valuable security' as the expression is defined in Section 30 of the Indian Penal Code. We therefore alter the conviction under the aforesaid sections to one u/s 471 reads with Section 465 of the Indian Penal Code. However, having regard to the facts and circumstances of the case we set aside the sentences passed against the appellant and remit the matter to the trial Court to consider, as provided in Section 6 of the Probation of Offenders Act, 1958, whether the appellant should be given the benefit of Section 4 of the said Act. If the trial Court does not find it expedient to release the appellant on probation of good conduct u/s 4 of that Act, it should then pass proper sentences on the appellant for the offences of which the appellant has been found guilty. The fine Imposed on the appellant, if paid, shall be refunded. The appeal is

disposed of as above.