

(2000) 12 SC CK 0075

In the Supreme Court Of India

Case No : Criminal Appeal No. 1104 of 2000 Arising out of S.L.P. (Criminal) No. 3775 of 2000

Tulsibhai Jivabhai Changani

APPELLANT

Vs

State of Gujarat

RESPONDENT

Date of Decision : 12-12-2000

Acts Referred:

Penal Code, 1860 (IPC) — Section 198, 420, 471

Citation : (2001) 1 ACR 263 : (2001) 1 ALD(Cri) 185 : (2001) CriLJ 741 : (2001) 21 GLH 289 : (2001) 1 JT 156 : (2001) 2 OLR 91 : (2000) 8 SCALE 238 : (2001) 1 SCC 719 : (2001) 1 UC 247 : (2001) 2 UJ 856

Hon'ble Judges : S.N. Variava, J;M. B. Shah, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

S.N. Variava, J.—Leave granted.

2. This Appeal is against an Order dated 29th August, 2000.

3. Briefly stated the facts are as follows:

On 9th September, 1996 the Appellant has been convicted and sentenced for offences under Sections 198, 420 and 471 IPC on the ground that he knew that a Marksheet produced by him was false and still he used that Marksheet for gaining admission to Polytechnic Course in 1986. The trial court whilst convicting the Appellant has noted that it was not proved that the Marksheet had been forged by the Appellant. The trial court, however, held that there was a possibility that the Appellant had either himself or through somebody else got the Marksheet amended. The trial Court found that the Appellant was aware that this was not the correct Marksheet and had still used it to gain admission. The trial Court, therefore, convicted the Appellant as set out above. The Sessions Court dismissed the Appeal of the Appellant. A Revision was filed before the High Court of Gujarat. The High Court by the impugned Judgment refused to interfere.

It dismissed the Revision. Hence this Appeal.

4. We have heard the parties. In our view it has been proved beyond a reasonable doubt that the Appellant used the duplicate certificate with changes, as a true certificate knowing it to be false in material particular and thereby got admission. Therefore we see no reason to interfere with the conviction. However looking to the nature of the offence and the fact that the Appellant's past and present records has been good and the fact that he has already lost his career and is now married we reduce the sentence to that already under gone. The Appellant shall be set at liberty forthwith if not required in any other case.

5. The Appeal stands disposed off accordingly.