

(2013) 09 DEL CK 0198
In the Delhi High Court
Case No : Criminal A. 1185 of 2012

Yagya Dutt Sharma

APPELLANT

Vs

The State (NCT of Delhi)

RESPONDENT

Date of Decision : 09-09-2013

Acts Referred:

Penal Code, 1860 (IPC) — Section 120B, 255, 256, 259, 260

Citation : (2013) 09 DEL CK 0198

Hon'ble Judges : S.P. Garg, J

Bench : Single Bench

Advocate : P.K. Bhardwaj and Mr. N.K. Sharma, for the Appellant; Lovkesh Sawhney, APP, for the Respondent

Final Decision : Disposed Off

Judgement

S.P. Garg, J.—Yagya Dutt Sharma (the appellant) challenges a judgment dated 16.08.2012 in Sessions Case No. 49/2009 arising out of FIR No. 255/07 PS Dwarka by which he was held guilty for committing offence punishable under Sections 255 /256 /259 /260 /420 /120B IPC. By an order dated 23.08.2012, he was awarded RI for seven years with fine Rs. 25,000/- u/s 256 IPC and imprisonment for the period already undergone u/s 255 /259 /260 /420 /120B with fine Rs. 25,000/-. Allegations against the appellant were that on 10.03.2007 he with his associates hatched a criminal conspiracy to print counterfeit postal stamps and pursuant to that criminal conspiracy, the appellant-Yagya Dutt Sharma and his associates Hari Narayan and Virender Kumar were found in possession of counterfeit sheets of postal stamps and instruments and materials, such as scanner, printer, CPU, hard disc, one CD found in the CD driver of CPU, computer screen, keyboard, mouse, two software scanner CDs, etc. for the purpose of being used knowing or having reasons to believe that these were intended to be used for counterfeiting the stamps issued by the Government for the purpose of revenue. After completion of investigation, a charge-sheet was filed before the concerned Metropolitan Magistrate. The accused along with

associates was duly charged and brought to trial. The prosecution examined 33 witnesses to prove the charges. In their 313 statements, the accused persons pleaded false implication. After considering the rival contentions of the parties and appreciating the evidence on record, the Trial Court, by the impugned judgment, held the appellant guilty for the offences mentioned previously and sentenced him accordingly. Being aggrieved, he has preferred the appeal.

2. The appellant appeared before this Court pursuant to issuance of production warrants with his counsel. Appellant's counsel on instructions stated at Bar that the appellant has opted not to challenge the findings on conviction under the aforesaid offences. He however prayed to take lenient view as the appellant had already completed substantial portion of the substantive sentence awarded to him and is not a previous convict.

3. Since the appellant-Yagya Dutt Sharma has opted not to challenge conviction and has accepted it voluntarily in the presence of overwhelming evidence, findings of the Trial Court on conviction are affirmed.

4. The appellant-Yagya Dutt Sharma was directed to undergo RI for seven years with total fine Rs. 50,000/-. Nominal roll dated 03.09.2013 reveals that he has already undergone six years, five months and twenty one days incarceration as on 03.09.2013. He also earned remission for three months. The unexpired portion is three months and nine days. Nominal roll further reveals that he is not involved in any other criminal case and is not a previous convict. His overall jail conduct is satisfactory. He is aged about 43 years and has four marriageable daughters. Learned APP has no objection to consider the mitigating circumstances to modify the sentence order.

5. Taking into consideration all these mitigating circumstances, the sentence order is reduced to the period already undergone with fine Rs. 5,000/- in all and failing to pay the fine to undergo SI for one month. Appeal stands disposed of in the above terms.