

Mewa Ram Vs. State

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Court : Delhi

Decided On : Feb-05-2014

Judge : Veena Birbal

Appellant : Mewa Ram

Respondent : State

Advocate for Def. : Mr. Pramod Saxena

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI + CRL.REV.P. 402/2011 %
Date of Decision:

05. 02.2014 MEWA RAM Petitioner Through: Petitioner in person. versus
STATE Respondent Through: Mr. Pramod Saxena, APP. SI Vikas Mudgal,
P.S. Sabzi Mandi. CORAM: HON'BLE MS. JUSTICE VEENA BIRBAL VEENA
BIRBAL, J.

1. By way of present revision petition u/s 397 Cr.P.C r/w section 401 along with
section 482 Cr.P.C, a challenge has been made to the judgment dated 30.4.2011
passed by the Id.Addl. Sessions Judge, Tis Hazari Courts, Delhi whereby the
judgment passed by the Id.Chief Metropolitan Magistrate dated 19.1.2011
convicting the petitioner and sentencing him for the offences punishable u/s
193/204/419/471 IPC has been upheld.

2. At the outset it may be mentioned that petitioner has submitted that he has already undergone the sentence as such he is not interested in pursuing the revision petition.

3. Briefly the facts of the case are that a FIR under Section 191/193/205/417/420/468/471 IPC was registered against the petitioner with the allegations that the petitioner impersonated as one Om Prakash and gave surety for one accused in FIR No.530/99 under Section 379/411 IPC, P.S. Kotwali. The said accused absconded and on notice to the surety i.e. the petitioner (who had impersonated as Om Parkash) a report was received that the address given by the surety in the surety bond was not correct. On the suspicion, the learned M.M. had sent the FDR for verification to Dena Bank from where report was received that the FDR was forged. Even the copy of ration card furnished was bogus. Accordingly, a complaint under Section 195 Cr.P.C. was preferred and pursuant thereto the aforesaid FIR was registered against the petitioner. The petitioner was arrested and his disclosure statement was recorded. The necessary documents were seized during the investigation. The specimen signatures, hand writing and thumb impression of petitioners were obtained and the original documents containing his signatures and handwriting were sent to CFSL along with specimen handwriting and a report was obtained. Thereupon charge-sheet was filed in the concerned court. During the trial, evidence of various witnesses were recorded. The petitioner in his statement u/s 313 Cr.P.C claimed that he had been falsely implicated. The trial court recorded conviction of the petitioner finding substantial evidence against him in the form of testimony of Id. Metropolitan Magistrate and police officials as well as relying upon the expert opinion.

4. The trial court convicted the petitioner for offence punishable under Section 193/204/419/471 IPC and the petitioner was sentenced to R.I. for 3 years for the offence u/s 193 IPC and fine of Rs.15000/-, RI for 2 years for the offence u/s 204 IPC, R.I. for 3 years for the offence u/s 419 IPC and R.I. for 2 years for the offence u/s 471 IPC. It was further ordered that all the sentences shall run concurrently.

5. The appeal filed by the petitioner before the learned ASJ challenging the conviction and sentence was also dismissed. The relevant portion of the judgment

is as under:

On consideration of the grounds of the appeal, I do not find any reason to interfere with the order of Ld.trial court. It is evident that judgment of the trial court is not merely based on the expert opinion and the court had also taken into consideration the testimony of police officials as well as the complaint of metropolitan magistrate and basis thereof. The accused was also arrested in similar case and therefore his record was available with the office of DCP north and hence no question of doubt arises about the identity of the accused. The ground taken by the appellant that forged FDR of Dena Bank does not prove that it was the accused who fabricated the FDR, has no relevance since no conviction was recorded u/s 468 IPC. So far as other offences are concerned, they stand clearly proved. With respect to the alleged infringement of the right of the accused on the ground that he was not represented by any counsel during the evidence, I also find no merit or substance since record of order sheets of the trial court reveal that accused was enlarged on bail and he was represented by the counsel. Presence of counsel M. Mohan stands recorded in the ordersheet dt.6.4.2010 as well as the presence of counsel for the accused was recorded on 1.5.2010.

6. It is settled position of law that in its revisional jurisdiction, this Court is not required to re-appreciate the evidence unless and until it comes to the conclusion that findings recorded by the courts below are perverse, illegal or erroneous on account of misreading of evidence.

7. In the present case both the courts below have relied upon cogent and convincing evidence and convicted the petitioner. The petitioner has been found guilty by both the courts below. There is overwhelming evidence on record to prove the guilt of the petitioner for the offences punishable u/s 193/204/419/471 IPC. CRL.REV.P.402/2011 conviction. The petitioner has already undergone the sentence. The revision petition stands dismissed. VEENA BIRBAL, J
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