

Surinder Dogra

v.

State Through Director CBI

(Criminal Appeal No. 1020 of 2022)

21 February 2025

[Sudhanshu Dhulia and Prashant Kumar Mishra,* JJ.]

Issue for Consideration

Whether the concurrent conviction of the appellant under Sections 420, 468 and 471, Ranbir Penal Code, 1989 and Section 5(1)(d) read with Section 5 (2), Prevention of Corruption Act, 1988 was justified.

Headnotes[†]

Ranbir Penal Code, 1989 – ss.420, 468 and 471 – Prevention of Corruption Act, 1988 – ss.5 (1) (d), 5 (2) – Appellant posted as Traffic Superintendent, Indian Airlines, Jammu at the relevant time prepared an infant ticket in a fictitious name and then tampered the flight coupon of the same ticket by way of forgery to make it an adult ticket causing loss to the Airlines and obtaining pecuniary advantage for himself – Convicted concurrently – Challenge to:

Held: Impugned judgment of the High Court not interfered with – Report of the handwriting expert (PW-8) and that of PW-5, prove that on the date of offence the appellant was issuing air tickets at Jammu Airport of the Indian Airlines and under his handwriting the questioned auditor coupon and flight coupon were issued – It was the appellant who issued the auditor coupon and the flight coupon allowing Mr. ‘V’ to travel by paying fare of Rs. 102/- instead of the infant, who was issued the original ticket for Rs. 102/- – It was the appellant alone who could have manipulated the document because the subject coupons were in his possession on the relevant date – Appellant committed offence u/ss.420, 468 and 471, RPC and s.5 (1) (d) r/w s.5 (2), 1988 Act. [Paras 6-9]

Case Law Cited

Sait Tarajee Khimchand v. Yelamarti Satyam, AIR (1971) SC 1865;
Ram Narain v. State of Uttar Pradesh [1973] 3 SCR 911 : AIR

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(1973) SC 2200; Kale & Ors. v. Deputy Director of Consolidation & Ors. [1976] 3 SCR 202 : AIR (1976) SC 807; Sharad Birdhichand Sarda v. State of Maharashtra AIR (1984) SC 1622; State of Rajasthan v. Islam AIR (2011) SCW 1748; V.C. Shukla v. State Through CBI [1980] 2 SCR 380 : AIR (1980) SC 962 – referred to.

List of Acts

Ranbir Penal Code, 1989; Prevention of Corruption Act, 1988; Code of Criminal Procedure, 1973.

List of Keywords

Concurrent conviction; Traffic Superintendent; Indian Airlines; Infant ticket; Fictitious name; Tampered; Flight coupon; Forgery; Auditor coupon; Adult ticket; Loss to the Airlines; Pecuniary advantage; Handwriting expert.

Case Arising From

CRIMINAL APPELLATE JURISDICTION: Criminal Appeal No. 1020 of 2022

From the Judgment and Order dated 12.04.2019 of the High Court of J&K at Jammu in CRA No. 03 of 2006

Appearances for Parties

Advs. for the Appellant:
Ankush Manhas, P. D. Sharma.

Advs. for the Respondent:
Brijender Chahar, A.S.G., Mukesh Kumar Maroria, Anukalp Jain, Vvv. Pattabhi Ram, Ms. Aakanksha Kaul, Praneet Pranav, Digvijay Dam.

Judgment / Order of the Supreme Court

Judgment

Prashant Kumar Mishra, J.

1. The appellant has been convicted concurrently by the Trial Court and the High Court, under the impugned judgment, for committing offences punishable under Sections 420, 468 and 471 of the Ranbir

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Penal Code (RPC) of 1989¹ and Section 5 (1) (d) read with Section 5 (2) of the Prevention of Corruption Act, 1988 and has been sentenced to undergo simple imprisonment for a period of six months for each of the offence and to pay a fine of Rs 5,000/- for each of the offence. The sentence has been directed to run concurrently.

2. At the relevant time, the appellant was posted as Traffic Superintendent, Indian Airlines, Jammu. The allegation against the appellant is that on 19.11.1997, while manning the ticket sale counter at Jammu Airport, he prepared an infant ticket in a fictitious name and tampered by way of forgery its flight coupon to make it an adult ticket, thereby obtaining pecuniary advantage for himself and causing loss to the Airlines.
3. Shri Romesh Malhotra, Manager (Vigilance), Indian Airlines lodged a complaint on 27.12.1997 on which CBI registered the present crime. It was stated in the complaint that M/s. Blue Bird Tours & Travel in connivance with Shri Rattan Chand and some unknown officials of Indian Airlines, Jammu were able to procure infant tickets from Indian Airlines office, which were tampered from infant tickets to adult tickets, from shorter distance to longer distance, from infant fare to adult fare and sold to various persons. One flight coupon in favour of Mr. Vikram for sector Jammu to Delhi was issued by Indian Airlines for travel on 19.11.1997 but when the auditor coupon of this ticket number was checked up it was found that the auditor coupon was in favour of master Azim (infant) and the sector was Jammu to Srinagar mentioned therein. It was subsequently revealed that the appellant was manning the ticket sale counter on the said date, and he prepared the infant ticket in a fictitious name called Master Azim and deposited Rs. 102/- with the Cashier vide pay-in-slip dated 19.11.1997. Subsequently, he tampered the flight coupon of the same ticket by way of forgery and made it an adult ticket in the name of one Vikram while changing the sector as Jammu-Delhi with fare at Rs. 3105/-. Thus, the appellant enabled Mr. Vikram to travel to Delhi on the forged ticket by flight no. 422 dated 19.11.1997 on seat no. 14.
4. On completion of investigation, chargesheet was filed and in course of trial the prosecution examined 09 witnesses. The appellant/accused having not pleaded guilty, was subsequently examined under Section 313 Cr.P.C. but he did not lead any evidence in defence.

¹ 'RPC'

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5. Basing on the evidence of PW-1 (Ashok Koul), Airport Manager, Indian Airlines, Jammu; PW-2 (Kewal Krishan), Cashier, Indian Airlines, Jammu; PW-3 (Romesh Malhotra), Manager, Vigilance, Delhi Region; PW-4 (J. Chandera Hassan), Sr. Assistant, Indian Airline, Vigilance Office, New Delhi; PW-5 (J.P. Jaiswar), Station Manager, Jammu Station; PW-8 (H.M. Saxena) Deputy Government Examiner of Questioned Documents, Shimla and PW-9 (SPS Dutta), Investigating Officer, the Trial Court recorded a finding that every ticket has three or four leaves. First leaf is called the Auditor coupon, second the flight coupon and third the office coupon. There are two flight coupons if the ticket is for more than one sector and that the same person issues the auditor coupon and the flight coupon. The auditor coupon has red carbon on its back and, therefore, whatever written on the auditor coupon is reflected on the flight coupon and the office coupon. The relevant coupons were prepared by the appellant on 19.11.1997 as it was, he who was operating the ticket sale counter at Jammu Airport and his duty was to prepare and sell the Indian Airlines tickets to the passengers. He first prepared infant ticket in the name of Master Azim and subsequently, he incorporated a false conjunction ticket and tampered the flight coupon of the same ticket by way of forgery showing it to be an adult ticket in the name of Mr. Vikram while changing the sector from Jammu to Delhi. In the result, the appellant enabled the said Vikram to travel from Jammu to Delhi. Further basing on the opinion of the handwriting expert and that of PW-5 (J.P. Jaiswar) who was acquainted with the handwriting of the appellant, learned Trial Court recorded a categorical finding that the auditor coupon and the flight coupon available on record are in the handwriting and under signatures of the appellant. He has proved the auditor coupon issued in the name of infant Master Azim and conjunction number in the name of Mr. Vikram. Thus, the Trial Court held the appellant guilty for committing the charged offences.
6. The High Court has affirmed the finding, upon reappreciation of evidence. Thus, it is concurrently held that the appellant was posted as Traffic Superintendent on the relevant date discharging duty of issuing air tickets to the passengers and it was he, under his handwriting, has issued the auditor coupon and the flight coupon allowing Mr. Vikram to travel by paying fare of Rs. 102/- instead of Master Azim, infant, who was issued the original ticket for Rs. 102/-.

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7. Having heard learned counsel for the appellant, we have not found any such illegality or irregularity in the finding of guilt recorded by the Trial Court and the High Court holding the appellant guilty of committing the offence under Sections 420, 468 and 471 of the Ranbir Penal Code of 1989 and Section 5 (1) (d) read with Section 5 (2) of the Prevention of Corruption Act, 1988.
8. Although, the learned counsel for the appellant has referred the judgments in the case of *Sait Tarajee Khimchand vs. Yelamarti Satyam*,² *Ram Narain vs. State of Uttar Pradesh*,³ *Kale & Ors. vs. Deputy Director of Consolidation & Ors.*,⁴ *Sharad Birdhichand Sarda vs. State of Maharashtra*,⁵ *State of Rajasthan vs. Islam*⁶ & *V.C. Shukla vs. State Through CBI*⁷ to contend that there is absolute lack of admissible evidence to prove that the appellant has committed the forgery by manipulating the ticket, yet in view of the report of the handwriting expert (H.M. Sexena/PW-8) and that of J.P. Jaiswar (PW-5), it is proved that on the date of offence the appellant was discharging the duty of issuance of air tickets at Jammu Airport of the Indian Airlines and under his handwriting the questioned auditor coupon and flight coupon were issued. We are in full agreement with the finding recorded by the Trial Court and affirmed by the High Court that it was the appellant alone who could have manipulated the document because the subject coupons were in his possession on the relevant date.
9. For the foregoing, we have not found any good ground to interfere with the impugned judgment of the High Court. The appeal being sans substance, it deserves to be and is hereby dismissed.

Result of the case: Appeal dismissed.

[†]*Headnotes prepared by:* Divya Pandey

2 AIR (1971) SC 1865

3 AIR (1973) SC 2200

4 AIR (1976) SC 807

5 AIR (1984) SC 1622

6 AIR (2011) SCW 1748

7 AIR (1980) SC 962