

Supreme Court of India

Manilal Girdharilal Shah vs State Of Gujarat on 31 January, 1979

Equivalent citations: AIR 1979 SC 1343, 1979 CriLJ 1117, (1979) 4 SCC 716, 1979 (11) UJ 393 SC

Author: S M Ali

Bench: A Koshal, S M Ali

JUDGMENT S. Murtaza Fazal Ali, J.

1. In this appeal by special leave the appellant has been convicted under Section 471 IPC and sentenced to one year's rigorous imprisonment and a fine of Rs. 1,000/. Mr. V.S Desai has pressed this appeal on the question of sentence only. It appears from the record that the appellant has served more than two months in jail. From the facts found by the courts below it also appears that although a forged Bank Guarantee Bond was filed by the appellant before the Public Works Department but as soon as the forgery was detected the appellant immediately withdrew the bond and paid Rs. one lakh and forty three thousand by way of fixed deposit receipts. Thus even if the appellant had used forged documents, it is clear that no loss has been caused to anybody. In this view of the matter we are inclined to take a lenient view of the matter. We, therefore, while upholding the conviction of the appellant reduce the sentence of imprisonment to the period already served and for the balance of the sentence remitted we impose an additional fine of Rs. 4,000/-. Thus the total fine imposed is Rs. 5,000/-, in default six months rigorous imprisonment. With this modification, the appeal is dismissed.