

Supreme Court of India

Nagindra Bahadur Singh vs State Of U.P. on 27 July, 1993

Equivalent citations: AIR 1994 SC 232, 1994 CriLJ 254

Bench: K Reddy, G Ray

ORDER

1. The appellant has been convicted Under Section 120-B I.P.C. and sentenced to three years and six months' R.I. and under Section 109 read with Section 420, I.P.C. sentenced to three years and six months' R.I. and to pay a fine of Rs. 1000/- or in default of payment of which to further undergo R.I. for six months and Under Section 3 of the Railway Property (Unlawful Possession) Act, 1966 and Under Section 5(1)(d) of the Prevention of Corruption Act read with Section 5(2) sentenced to two years and three years' Rigorous imprisonment respectively. Sentences were directed to run concurrently.

2. The appellant was a Parcel Clerk in the Northern Railway. The prosecution case is that the Telecommunication Engineer, Moradabad, Northern Railway had placed a demand for three steel almirahs. Thereafter supply order with respect to the aforesaid almirahs was placed by the Senior Signal and Telecommunication Engineer with a firm. These three steel almirahs after usual inspection were despatched to Moradabad. Out of these three steel almirahs, two were directed to be sent to the Telecommunication Engineer, Lucknow and they were despatched on 28-11-1970. The prosecution story is that on the basis of the forged Railway Receipt these two steel almirahs were got despatched from Lucknow Northern Railway Station to Badshahnagar Railway Station, from where these were detained and were illegally taken delivery on the basis of the forged receipts. The case was registered and ultimately the investigation showed that the appellant was responsible on the basis of the materials placed. Charges were framed and several witnesses were examined and both the courts below accepted their evidence.

3. Learned Counsel for the appellant, however, submits that there is some discrepancy regarding the actual number but this has been explained by the courts below. What is more the prosecution has established that the almirahs recovered belong to the Railway and the possession was unlawful. We see no ground to interfere with the convictions.

4. Now coming to the question of sentence, we think that the ends of justice would be met if the sentences of three years and six months, three years and six months and three years under Sections 120-B, I.P.C., 109 read with 420, I.P.C. and 5(1)(d) of the Prevention of Corruption Act read with Section 5(2) respectively are reduced to two years' rigorous imprisonment under each count. The other sentences are directed to run concurrently. Sentence of fine along with default clause is, however, confirmed. Subject to modification of sentences, the appeal is dismissed.