

Budh Singh

Vs

State of Haryana

Criminal Appeal No. 148 of 1970

(M. H. Beg, Y. V. Chandrachud JJ)

22.11.1973

JUDGMENT

BEG, J. -

1. The appellant Budh Singh, who was the Manager of the Rural Co-operative Bank Ltd., Niwaz Nagar, in Maharashtra, from 1962-64, was acquitted of charges under Sections 409 and 477-A, Indian Penal Code, by the learned Additional Sessions' Judge, Sangrur. On an appeal against his acquittal, the High Court of Punjab and Haryana, by means of a very thorough and careful judgment, set aside the acquittal. It convicted him under Section 409, I.P.C., and sentenced him to one year's rigorous imprisonment and to pay a fine of Rs. 3,000/- and, in default of payment of fine, to undergo three months further rigorous imprisonment. It also convicted him under Section 477-A, I.P.C., and sentenced him to six months rigorous imprisonment. The sentences were directed to run concurrently. A direction was also given that, out of the fine recovered, a sum of Rs. 2,856.29 will be paid to the Bank.

2. It appears that large sums of money were deposited by Gram Panchayats in the Co-operative Bank after grants made to the Panchayats by the State Government of construction of tanks. The Panchayats were unable to obtain the required payments from the Bank. Therefore, they complained to the Block Development and Panchayat Officer, who visited the Bank on August 24, 1963 and examined its account books. He found that the Bank did not have enough funds to make the required payments. Immediately thereafter, the appellant contrived to make false entries in the account books of the Bank, so as to show repayments of loans by a number of depositors. No less than seven of these depositors had come forward and deposed, against their own interests, that they had made no such repayments. Their evidence had been rightly believed by the High Court which observed that, but for these fictitious entries, the Bank would have not been able to show payments of Rs. 11,200/- and Rs. 10,000 to the Sarpanches Pooran Chand, P.W. 10 and Ramji Lal, P.W. 13, through Raj Kumar Mehta, P.W. 14, the Chairman of the Bank. The Sarpanches as well as the Chairman of the Bank deposed that no such payments were made. The High Court had, for very good reasons given by it, believed the testimony of the Sarpanches and Raj Kumar Mehta. It believed the statements of the Sarpanches that their signatures were signing applications for fertilizers. The evidence against the appellant was overwhelming. We, therefore, think that the High Court had rightly set aside the acquittal and found both the charges duly proved against the appellant. The sentences awarded were also quite proper.

3. Consequently, after having heard and duly considered all that the learned Counsel for the appellant could say in such a case, we dismiss the appeal.

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