

**SUPREME COURT OF INDIA**

Gurdev Singh Shahi

Vs.

Sate of W. B.

Crl.A.No.102 of 1973

(S. Murtaza Fazl Ali and A. D. Koshal, JJ.)

16.01.1979

**ORDER:-**

1. In this appeal by special leave the appellant has been convicted. under S. 408 of the I. P. C. and sentenced to one month's rigorous imprisonment and a fine of Rs. 500/-. The appellant was working in the Daily Nav Prabhat Press and as an employee of the press he had received Rs. 180/- on 1-6-1964 from Sri Gurdev Singh Shahi, P. W. 1 and Rs. 120.32 on 2-5-1964 from Anandilal. The prosecution has proved from the evidence of P. Ws. 1 and 5 that the appellant undoubtedly received these amounts. The only defence taken by the appellant in his statement under S. 342 was that he never received these amounts. The prosecution has further proved from the evidence of P. Ws. 1 made 5 as also the evidence of the owner of the press that he had received the money but has failed to account for it. We have gone through the judgment of the Presidency Magistrate and we do not find any merit in this appeal. The High Court summarily dismissed the appeal as it thought there was absolutely no point for further investigation. We would further like to mention that there is no allegation that the appellant had committed any misappropriation before and this appears to be his first offence. As he is a young man and a law graduate so a serious notice of the lapse need not be taken and that is why the trial court took a lenient view and imposed a nominal sentence of a one month's rigorous imprisonment only and a fine of Rupees 500/-.

2. There is no force in this appeal which is accordingly dismissed.

Appeal dismissed.