

SUPREME COURT OF INDIA

Manilal Girdharilal Shah

Vs.

State of Gujarat

Crl.A.No.150 of 1974

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

31.01.1979

JUDGEMENT

FAZAL ALI, J.:-

1. In this appeal by special leave the appellant has been convicted under Sec. 471, I.P.C. 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 Gurantee 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 his modification, the appeal is dismissed.

Ordered accordingly.