

Shriniwas Pandit Dharamadhikari

Vs

State of Maharashtra

And

Shaikh Noor Mohamad Shaikh Fazal

Vs

State of Maharashtra

And

Bhausahab Kalu Patil

Vs

State of Maharashtra

Criminal Appeals Nos. 202 to 204 of 1975

(A. C. Gupta, E. S. Venkataramiah JJ)

28.08.1980

JUDGMENT

GUPTA, J. –

1. The appellant was convicted of offence under Sections 417, 420 read with Section 511 and Section 471 read with Section 467 of the Indian Penal Code and sentenced to various terms of imprisonment and fine for those offences. Having heard counsel for both sides we do not find any reason to disturb the order of conviction in respect of offences under Sections 417 and 420 read with Section 511 but as regards the offences under Section 471 read with Section 467, IPC we do not think that the two certificates the appellant has been found to have forged to get admission in the Arts and Commerce College affiliated to Poona University could be described as 'valuable security' as the expression is defined in Section 30 of the Indian Penal Code. We therefore alter the conviction under the aforesaid sections to one under Section 471 read with Section 465 of the Indian Penal Code. However, having regard to the facts and circumstances of the case we set aside the sentences passed against the appellant and remit the matter to the trial Court to consider, as provided in Section 6 of the Probation of Offenders Act, 1958, whether the appellant should be given the benefit of Section 4 of the said Act. If the trial Court does not find it expedient to release the appellant on probation of good conduct under Section 4 of that Act, it should then pass proper sentences on the appellant for the offences of which the appellant has been found guilty. The fine imposed on the appellant, if paid, shall be refunded. The appeal is disposed of as above.

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