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CRA-1816-2021

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PREM NARAYAN SINGH

CRIMINAL APPEAL No. 1816 of 2021*LIMBA**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

Shri A.K. Saraswat, learned counsel for the appellant

Shri H.S.Rathore, learned Govt. Advocate for the respondent/State.

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*Reserved on: 14.08.2024**Delivered on:20.09.2024*

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*This appeal having been heard and reserved for orders, coming on for pronouncement this day, the court passed the following:*

JUDGMENT

Per: PREM NARAYAN SINGH

This criminal appeal is preferred under section 374 of Cr.P.C. by the appellant being aggrieved by the judgment of conviction and sentence dated 03.03.2021, passed by learned Special Judge (SC/ST[PA] Act), Jhabua, District-Jhabua, in ST No.142/2014, whereby the appellant has been convicted for the offence punishable under Sections 420, 467, 468, 471 of IPC 1860, sentenced to undergo 5 years, 7 years, 7 years and 2 years R.I. with fine of Rs.1,000/- under each sections with usual default



stipulations.

2. As per the prosecution story, on 09.01.2014, complainant Manu Damor, President, Krishi Upaj Mandi, lodged a report before CM Helpline regarding appellant Limba that he committed fraud by impersonating himself as Sakriya, submitted his mark sheets and certificates and got job in Police Department at the post of constable in the year 1984. Thereafter in the year 1999 Limba resigned from the service. On the basis of which FIR bearing crime No.373/2014 was filed at Police Station against the appellant for offence under 420 of IPC. Thereafter Police arrested the appellant.

3. During investigation, statements of the witnesses were recorded. Documents were recovered and after completion of investigation, charge-sheet was filed before Judicial Magistrate First Class, District Jhabua who committed the case to the Sessions Court and ultimately it was transferred to the Court of Special Judge, Jhabua.

4. The prosecution has examined total 14 witnesses namely the Gyansingh, (PW-1), Mahavir (PW-2), Naveen Choudhary (PW-3), Smt. Kamlesh Chouhan (PW-4), Sewla (PW-5), Mannu (PW-6), Sadriyabai (PW-7), Smt. Savitaben (PW-8), Satyendra Pandey (PW-9), Jayveer Singh Chouhan (P.W.10), Rajeevsingh (P.W.11), Dalli(P.W.12), Anandsingh Waskale (P.W.13), S.K. Verma (P.W.14), Babudi (P.W.15). No witness has been examined in support of the



defence by the appellant. The appellant abjured his guilt and took a plea that he is innocent.

5. The learned trial Court, after considering the evidence and material available on record has convicted the appellant, as stated above in para no.1 of this order.

6. The appellant has preferred this criminal appeal on several grounds but during the course of arguments, learned counsel for the appellant did not press this appeal on merits and has not assailed the finding part of judgment. He confined his argument on the point of sentence only. Counsel for the appellant assures that the appellant will not involve in such criminal activities in future. He also submitted that the appellant has already suffered more than 3 and ½ years custody period. It is further submitted that the appellant deserves some leniency as he was facing the ordeal of the trial since 2014 i.e. for a period of almost 10 years. Therefore, it is prayed that this appeal be partly allowed and the sentence awarded to the appellant be reduced by enhancing the fine amount.

7. Learned counsel for the State on the other hand supports the impugned judgment and prays for dismissal of this appeal. It is further submitted that the learned trial Court has passed the impugned judgement after considering each and every circumstances of the case and convicted



the appellant rightly.

8. Having considered the rival submissions and on perusal of the record, the submission of the learned counsel for the appellant appears to be just and proper. Nevertheless, the appellant has not impugned the merits of conviction and confined his arguments as to sentencing of the appellant, but still this appellate Court is of the view to examine the sanctity of conviction.

9. The learned trial Court has not committed any error in appreciation of evidence available on record and correctly found that the case of the prosecution is well supported by the witnesses and documentary testimony. The procedure was well followed by the prosecution and the witnesses of prosecution have profoundly supported the prosecution case. The Court below has well considered the material available on record, hence, no infirmity is found in the impugned order of conviction passed by the Court below and accordingly, the same is upheld.

10. So far as the sentence part of appellant is concerned, it appears that the appellant has already suffered more than 4 and ½ years custody period that part the appellants has suffered the ordeal of criminal case since 2014 and also learned counsel assures that the appellant shall not indulge himself in the offence of same nature in future, this Court finds it expedient to partly allow this appeal by reducing the sentence of



appellant to the period already undergone by enhancing the fine amount.

11. Accordingly, the appeal is partly allowed and the sentence of the appellant is reduced to the period already undergone by increasing the fine amount from Rs.1000/- to Rs.20,000/- for offence Sections 420, 467, 468 of IPC, 1860 to be paid by the appellant within a period of three months (in total) from today. So far as sentence of Section 471 of IPC is concerned since the appellant has already suffered 2 years R.I., the same does not warrant any interference.

11. The appellant shall be discharged after his depositing the aforesaid fine amount imposed upon him, if not required in any other case. Failing to deposit the fine amount or compensation amount the appellant shall suffer one month S.I. under each section.

12. The judgment of learned trial Court regarding disposal of the seized property stands affirmed.

13. A copy of this order be sent to the concerned trial Court for necessary compliance.

14. Pending application, if any shall be closed.

15. With the aforesaid, the present appeal stands partly allowed and disposed off.

Certified copy, as per Rules.



**(PREM NARAYAN SINGH)  
JUDGE**

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