

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 167 OF 2012

SANT RAM

APPELLANT(S)

VERSUS

STATE OF HIMACHAL PRADESH

RESPONDENT(S)

WITH

CRIMINAL APPEAL NO. 333 OF 2012

CRIMINAL APPEAL NO. 2352 OF 2011

O R D E R

Criminal Appeal No. 167 of 2012

Heard Mr. Anil Nag, learned counsel for the appellant, and Mr. Suryanarayanan Singh, learned Additional Advocate General for the respondent - State of Himachal Pradesh.

2. The appellant, Sant Ram, stands convicted under Sections 420 and 120-B of the Indian Penal Code, Section 5(2) of the Prevention of Corruption Act, 1947 and Rules 11 and 18 of the H.P. Forest Produce Transit (Land Routes) Rules, 1978.

3. Regard being had to the two contentions raised by Mr. Anil Nag, we are not required to state the facts in detail. Suffice it to say, the

appellant was working as a Forest Guard at the Check Post Chambi in the year 1981-82. The Divisional Forest Officer had granted permit Exb. No. 41/81-82 for 118 pieces of cut logs. The first lot on the basis of a challan passed through the Check Post and the concerned truck carried 71 cut logs. Though there is some dispute in that regard and certain aspects have been highlighted by the learned trial Judge as well as by the High Court, the said facts need not be adverted to. So far as the balance lot is concerned, as alleged by the prosecution, the vehicle carried 91 logs vide challan No. Ex. PW-20-B. A carbon copy of the challan was produced by the prosecution. Learned trial Judge accepted the same as admissible in evidence and the High Court agreed with the same. A finding has been recorded that the entry that had been made in the carbon copy was not recorded in the *Khata* register and, in any way, 91 logs as alleged to be have passed through the check gate was beyond the permit.

4. Mr. Anil Nag, learned counsel appearing for the appellant, has submitted that a carbon copy could not have been held as admissible in evidence

without any foundation being made as regards the non-production of the primary evidence. The second contention that has been canvassed by Mr. Nag is that there has been manifest manipulation in the carbon copy. We shall deal with the first contention first.

5. In the carbon copy there is the signature of the appellant. The signature to the naked eyes is quite clear that it is the original signature of the appellant. The same has been proven by expert evidence, PW-42, to be the signature of the appellant. Assuming there is manipulation, fact remains, certain cut logs passed through the check gate. There is no cavil over the fact that there is no entry whatsoever in respect of the said transport in the *Khata* register. Thus, it is obvious that the appellant allowed certain cut logs to cross the barrier.

6. In view of the aforesaid, both the submissions advanced by Mr. Nag, learned counsel for the appellant, which can really be put into one, melt into insignificance and, therefore, we are unable to accept the same. The said submissions do

not commend acceptance. Hence, we do not find any justifiable reason to interfere with the impugned judgment.

7. In the result, the Appeal, being devoid of any merit, stands dismissed. As the appellant is on bail, his bail bonds are cancelled and he be taken into custody forthwith.

Criminal Appeal No. 333 of 2012

In view of the judgment delivered in Criminal Appeal No. 167 of 2012, *Sant Ram Vs. State of Himachal Pradesh*, as the charge of conspiracy is there, we have no hesitation in holding that the said judgment shall apply on all fours to the case at hand. Therefore, the Appeal, being devoid of merit, stands dismissed.

2. As the appellant is on bail, his bail bonds are cancelled and he be taken into custody forthwith.

Criminal Appeal No. 2352 of 2011

In view of the judgment delivered in Criminal Appeal No. 167 of 2012, *Sant Ram Vs. State of Himachal Pradesh*, as the charge of conspiracy is

there, we have no hesitation in holding that the said judgment shall apply on all fours to the case at hand. Therefore, the Appeal, being devoid of merit, stands dismissed.

2. Since vide order dated 27.06.2011, prayer for exemption from surrendering was allowed in respect of the appellant and continued vide order 28.11.2011, he be taken into custody forthwith.

.....J.
(DIPAK MISRA)

NEW DELHI;
OCTOBER 29, 2014

.....J.
(UDAY UMESH LALIT)

ITEM NO.102

COURT NO.6

SECTION IIB

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 167/2012

SANT RAM

Appellant(s)

VERSUS

STATE OF HIMACHAL PRADESH

Respondent(s)

(with office report)

WITH

Crl.A. No. 333/2012
(With Office Report)

Crl.A. No. 2352/2011

Date : 29/10/2014 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Appellant(s)

Crl.A. 167/2012 & Mr. Anil Nag,Adv.
Crl.A. 333/2012 Mr. Rajeev Kumar Bansal, Adv.

Crl.A. 2352/2011 Mr. Amit Pawan,Adv. (NOT PRESENT)

For Respondent(s) Mr. Suryanarayanan Singh, A.A.G.
Ms. Pragati Neekhara, Adv.
Mr. Arun K. Sinha,Adv.

Mr. Mohit Kumar Shah,Adv.

UPON hearing the counsel the Court made the following
O R D E R

Criminal Appeal No. 167 of 2012

Appeal is dismissed in terms of the signed order.

As the appellant is on bail, his bail bonds are cancelled and he shall be taken into custody forthwith.

Criminal Appeal No. 333 of 2012

The Appeal is dismissed in terms of the signed order.

As the appellant is on bail, his bail bonds are cancelled and he shall be taken into custody forthwith.

Criminal Appeal No. 2352 of 2011

The Appeal is dismissed in terms of the signed order.

Since vide order dated 27.06.2011, prayer for exemption from surrendering was allowed in respect of the appellant and continued vide order 28.11.2011, he be taken into custody forthwith.

(RAJESH DHAM)
COURT MASTER

(RENUKA SADANA)
COURT MASTER

(signed order is placed on the file)