

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO(S).2364/2010

LIYAKAT ALI

Appellant(s)

VERSUS

THE STATE OF RAJASTHAN

Respondent(s)

O R D E R

Heard Mr. R. K. Kapoor, learned counsel appearing for the appellant. The State of Rajasthan is represented by Dr. Manish Singhvi, learned Senior Counsel.

2.The appellant is convicted for offences under Section 489A, 489B read with Section 120B, 489C and 489D of the Indian Penal Code, 1860 (IPC) by the Special Court, Jaipur and the conviction verdict was affirmed by the High Court in the impugned judgment dated 23.08.2010.

3.The learned counsel for the applicant Mr. Kapoor would submit that the appellant is not challenging the conviction by the special court as was upheld

by the High Court but leniency is sought on the sentence that was awarded for the aforesaid conviction.

4. Representing the State, Dr. Singhvi, the learned Senior Counsel cites *Mehboob Ali & Another vs State of Rajasthan* reported in (2016) 14 SCC 640 to point out that for the co-accused in the very same case, this Court in the judgment dated 27.10.2015, upheld the High Court verdict confirming the conviction and with this, Dr. Singhvi submits that the appellant has rightly not challenged the guilty conviction recorded against him.

5. On the plea for reducing the quantum of sentence it is pointed out by Mr. Kapoor that the other co-accused were sentenced to 3 years rigorous imprisonment under Section 489-C and 5 years rigorous imprisonment under Section 489-B read with section 120-B of the IPC. The present appellant however was not only convicted along with co-accused under Section 489C and 489B read with Section 120B, but was also convicted under Section 489A and 489D of the IPC. The role attributed to the appellant is distinguishable viz-a-viz the

other co-accused as he was charged with not only possession of counterfeit currency but was also charged with manufacturing counterfeit currency for circulation in the market.

6. In the above backdrop, to allow parity of sentence for the appellant with the co-accused, will not be justifiable. However, we may note that the appellant until he was granted bail by this Court, for his sentence of 10 years rigorous imprisonment, had already undergone around 7 years of incarceration. Dr. Singhvi would point out that perhaps the appellant has been in jail for a little less than 7 years.

7. On the above aspect, it is seen that no minimum sentence is prescribed under the Sections for which the appellant is convicted. At the time of the FIR on 6.1.2004, the appellant was a young man and it was his first offence. Considering these circumstances, we deem it appropriate to reduce the period of sentence to 7 years rigorous imprisonment, without disturbing the conviction verdict for the appellant. If the appellant has been in jail for his conviction for any lesser

period, he shall surrender himself so that the remaining part of the 7 year sentence can be served out.

8. With the above modification of the sentence in the impugned judgment, the Appeal stands allowed to this limited extent.

9. Pending application(s), if any, stand closed.

.....J.
(HRISHIKESH ROY)

.....J.
(MANOJ MISRA)

NEW DELHI;
APRIL 19, 2023

ITEM NO.104

COURT NO.15

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

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THE STATE OF RAJASTHAN

Respondent(s)

Date : 19-04-2023 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY

HON'BLE MR. JUSTICE MANOJ MISRA

For Appellant(s) Mr. R K Kapoor, Adv.
Mr. Ashwin Garg, Adv.
Ms. Kheyali Singh, AOR

For Respondent(s) Dr. Manish Singhvi, Sr. Adv.
Mr. Arpit Parkash, Adv.
Ms. Shubhangi Agarwal, Adv.
Mr. Milind Kumar, AOR

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

The Criminal Appeal is allowed in terms of the signed
order.

Pending application(s), if any, stand closed.

(DEEPAK JOSHI)

(KAMLESH RAWAT)

COURT MASTER (SH)

ASSISTANT REGISTRAR

(Signed Order is placed on the File)