

**HIGH COURT OF TRIPURA  
AGARTALA**

**Crl. A(J) 3 of 2025**

Md. Helal Uddin

**.....Appellant(s)**

***Versus***

State of Tripura

**.....Respondent(s)**

For the Appellant(s) : Mr. Ratan Datta, Adv.

For the Respondent(s) : Mr. R. Saha, Addl. P.P.

Date of hearing & delivery  
of Judgment & order : 07.04.2025.

Whether fit for reporting : Yes/No

**HON'BLE MR. JUSTICE T. AMARNATH GOUD  
J U D G M E N T & O R D E R(ORAL)**

Heard Mr. Ratan Datta, learned counsel appearing for the appellant. Also heard Mr. R. Saha, learned Addl. P.P. appearing for the State-respondent.

**[2]** This present appeal is filed under Section 374 (2) of Cr. PC against the impugned Judgment and order of conviction and sentence dated 18.12.2024 passed by the learned Sessions Judge, North Tripura, Dharmanagar in Case No. ST (T-1) 19 of 2020 whereby and whereunder the appellant has been convicted under Section 489B & 489C of Indian Penal Code (in short IPC) and

thereby sentenced him to suffer rigorous imprisonment for 5 years for the commission of offence punishable under Section 489B & 489C of IPC with fine of Rs. 5000/- in default of payment of the same, to suffer SI for six months and both the sentences shall run concurrently.

**[3]** The prosecution story in brief is that on 01.11.2014 at about 6:30pm, the convict appellant came to the grocery shop of one Kshirode Ch. Das at Dharmanagar Bazar to purchase dry chilli. After purchasing the dry chilli, the convict gave a currency note of Rs 500/- to Kshirode Ch. Das. But after receiving and seeing the said note of Rs 500/-, Sri Kshirode Ch. Das became suspicious and thereafter called his son namely Sri Matilal Das. Thereafter, Sri Matilal Das informed the said incident to Dharmanagar Police Station and on receipt of the ejahar a case was registered under Section 489(B)/489(C) of IPC and investigation commenced.

**[4]** During investigation, it transpired that 3/4 days prior to 01.11.2014 accused Almas Ali @ Uddin gave 6 numbers of fake currency note of Rs.500/- denomination to accused Md. Helal Uddin. The I.O. on completion of investigation, submitted charge sheet against accused person Md. Helal Uddin and Md. Almas Ali @Uddin under section 489(B) and 489(C) read with section 34 of the IPC. The charge-sheet was filed before the Court of learned CJM, North Tripura, Dharmanagar who took cognizance of the offence and

transferred the record to the Court of learned J.M. 1<sup>st</sup> Class, Dharmanagar, North Tripura.

**[5]** The learned Court after receiving the case record, supplied the prosecution papers to both the accused and thereafter, committed the case record to the Court of the Sessions Judge, North Tripura, Dharmanagar and during the proceeding, both sides were heard and on finding prima facie evidence, charge under section 489(B) and 489(C) of the IPC were framed against both the accused persons and it was read over and explained to them to which they pleaded not guilty and claimed to be tried.

**[6]** The prosecution examined seven witnesses to establish the charge against the accused persons. After closure of the prosecution evidence, the accused persons were individually examined under Section 313 of Cr.P.C wherein they claimed themselves as innocent and stated that the prosecution case is false. After hearing of both the parties learned Court below opined that the other accused Almas Ali be acquitted from the case and be set at liberty at once as the prosecution failed to establish the charge under Sections 489B and 489C of IPC against him. But, the learned Court below by its order dated 18.12.2024 passed in case No. ST (T-1) 19 of 2020, convicted the appellant under Section 489(B)/489(C) of IPC and thereby sentenced him to suffer rigorous imprisonment for 5 years for the commission of offence punishable under Section 489B & 489C of IPC with fine of Rs. 5000/- in default

of payment of the same, he shall suffer SI for six months and both the sentences shall run concurrently.

**[7]** Aggrieved by the aforesaid impugned order dated 18.12.2024 passed by the learned Court below in case No. S.T.(T-1) 19 of 2020, the appellant has preferred the instant appeal seeking the following reliefs:

i. Admit this appeal;

ii Call for the record;

iii. Issue notice upon the respondent, and

iv After hearing the parties be pleased enough to set aside the impugned Judgment of conviction and sentence dated 18.12.2024 passed by the Ld. Sessions Judge\*\*\*, North Tripura, Dharmanagar in Case No. ST (T-1) 19 of 2020 whereby and where under the appellant has been convicted Under Section 489B & 489C of Indian Penal Code and thereby sentenced him to suffer rigorous imprisonment for 5 years and with fine of Rs. 5000/- in default of payment of the same, he shall suffer SI for six months."

**[8]** Mr. Ratan Datta, learned counsel for the appellant submits that learned Trial Court failed to appreciate the fact that, if the alleged prosecution story is believed to be true for sake of argument, the convict appellant had neither escaped from the place of incident after the said note of Rs. 500 was identified as fake currency nor the appellant had any intention regarding using of the said note to be genuine. The convict appellant had time and again stated that before the trial Court that he had no idea with regard to the fake currency note and further added that the said note was given to the convict appellant by one Md. Almas Ali @ Uddin. According to the learned counsel for the appellant, it is settled law that, for attracting the provisions of section 489 (B) & (C), there

must be proof of the currency note or bank notes being forged or counterfeit and there must be use of the said currency note or bank note as genuine knowing or having reason to believe the same to be forged or counterfeit. He further contends that in the instant case, there is neither any proof of the currency note being forged or counterfeit nor the convict appellant had any idea regarding the use of the said currency note as genuine but, the learned Trial Court failed to appreciate the submissions on behalf of the convict appellant rather it acquitted Md. Almas Ali @ Uddin from the alleged offence. It is further stated that the learned Court below failed to consider that the convict appellant is innocent and has been falsely entangled in the instant case. Moreover, the ingredients of Section 489 (B) & (C) of IPC are not at all attracted in the instant case and the conviction of the convict appellant in the instant case has been made erroneously without following the due process of law. Learned counsel, therefore, urges this Court to allow the instant appeal filed by the appellant setting aside the impugned judgment & order and sentence dated 18.12.2024 passed by the learned Court below.

**[9]** To support his contention, Mr. Datta, learned counsel for the appellant has placed reliance on the order of the Hon'ble Apex Court in ***Umashanker vs. State of Chhattisgarh*** reported in **(2001) 9 SCC 642**. The relevant contents of the said order as referred on behalf of the appellant, is extracted as under:

".....7. Sections 489-A to 489-E deal with various economic offences in respect of forged or counterfeit currency notes or banknotes. The object of the legislature in enacting these provisions is not only to protect the economy of the country but also to provide adequate protection to currency notes and banknotes. The currency notes are, in spite of growing accustomedness to the credit cards system, still the backbone of the commercial transaction by multitudes in our country. But these provisions are not meant to punish unwary possessors or users.

8. A perusal of the provisions, extracted above, shows that mens rea of offences under Sections 489-B and 489-C "knowing or having reason to believe the currency notes or banknotes are forged or counterfeit." Without the aforementioned mens rea selling, buying or receiving from another person or otherwise trafficking in or using as genuine forged or counterfeit currency notes or banknotes, is not enough to constitute offence under Section 489-B IPC. So also possessing or even intending to use any forged or counterfeit currency notes or banknotes is not sufficient to make out a case under Section 489-C in the absence of the mens rea, noted above. No material is brought on record by the prosecution to show that the appellant had the requisite mens rea. The High Court, however, completely missed this aspect. The learned trial judge on the basis of the evidence of PW 2, PW 4 and P.W 7 that they were able to make out that currency note alleged to have been given to PW 4 was fake, "presumed" such a mens rea. On the date of the incident the appellant was said to be an eighteen-year-old student. On the facts of this case the presumption drawn by the trial court is not warranted under Section 4 of the Evidence Act. Further it is also not shown that any specific question with regard to the currency notes being fake or counterfeit was put to the appellant in his examination under Section 313 of Criminal Procedure Code. On these facts, we have no option but to hold that the charges framed under Sections 489-B and 489-C are not proved. We, therefore, set aside the conviction and sentence passed on the appellant under Sections 489-B and 489-C IPC and acquit him of the said charges (*see: M. Mammutti v. State of Karnataka, AIR 1979 SC 1705*).

9. Accordingly, the order under challenge of the High Court dated 2-11-1999 in Criminal Appeal No. 39 of 1992 is set aside and the appellant is acquitted of the charges framed against him.

10. The appeal is thus allowed.”

**[10]** Mr. R. Saha, learned Addl. Public Prosecutor for the State during the course of argument, submits that there is no history of such criminal act of the accused appellant available on record apart from the present case.

**[11]** In view of the above submissions made at the Bar, this Court is of the view that since, there is no other case pending against the appellant and only on the basis of some counterfeit notes received from the accused appellant when deliberate selling, buying or receiving from another person or otherwise trafficking in or using as genuine forged or counterfeit currency notes or banknotes by the appellant is not proved, it will not be proper to constitute offence under Section 489-B & 489-C IPC against him. In the case in hand, it is seen that another accused in the trial Court from whom the alleged counterfeit notes were said to be received by the appellant herein, has already been acquitted by the learned trial Court for the benefit of doubt.

**[12]** Considering the facts and circumstances of the case as discussed above, this Court is of the opinion that ends of justice would be met if the benefit of doubt is extended to the appellant herein following the order of the Hon'ble Apex Court *cited supra*.

Accordingly, the appellant is acquitted and the impugned order and sentence dated 18.12.2024 passed by the learned Sessions Judge, North Tripura, Dharmanagar in Case No. ST (T-1) 19 of 2020 convicting the appellant under Section 489B & 489C IPC and sentencing him to suffer rigorous imprisonment for 5 years for the commission of offence punishable under Section 489B & 489C of IPC with fine of Rs. 5000/- in default to suffer SI for six months is hereby set aside. The appellant shall be released if not required in any other offence.

With the above observations and directions, the instant appeal is allowed and thereby, the same is disposed of. As a sequel, miscellaneous application(s), pending if any, shall also stand closed.

Send down the LCR.

**T. AMARNATH GOUD, J**

*Sabyasachi G.*

**SABYASACHI  
GHOSH**

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