

IN THE HIGH COURT OF JUDICATURE AT PATNA
Govt. Appeal (DB) No.22 of 2016

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The State of Bihar

.... Appellant/s

Versus

1. Mohammad Mahfooz Alam

2. Md. Mahfooz Ansari,

Both sons of Md. Israil, resident of Chhatauni near Masjid, P.S.-
Chhatauni, District- East Champaran.

3. Mohammad Madin Ansari, S/o Late Ajij Ansari alias Md. Madin
Ansari, resident of Kapraul, P.S.- Riga, District- Sitamarhi.

4. Budhan Kumar, S/o Ram Lakhan Sah, resident of Sharifpur, P.S.
Nanpur, District- Sitamarhi.

5. Nagendra Chaudhary S/o Mahendra Chaudhary, resident of Siyari, P.S.-
Nanpur, District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Parmeshwar Mehta

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH)

3 01-09-2016 Heard learned counsel appearing for the State as well as
learned counsel appearing for the Respondents.

The instant government appeal has been filed against the
judgment of acquittal, dated 08.04.2015, passed in Sessions Trial
No. 194 of 2013 / 31 of 2013, arising out of Sitamarhi P.S. Case
No. 610 of 2012, dated 30.05.2013, whereby opposite parties,
namely, Md. Mahfooz Alam, Md. Madin Ansari, Budhan Kumar
and Nagendra Chaudhary, have been acquitted for charges under

Sections 489(B), 489(D), 420/34, 419/34 and 120(B) of the Indian Penal Code.

As per the prosecution case, the informant (PW-5), who was the S.H.O. of Majorganj Police Station, apprehended one, Ranjit Kumar and opposite party no. 3, Budhan Kumar, and on search, Ranjit Kumar was found with bag containing fake currency notes. Subsequently, Ranjit Kumar, disclosed the names of Md. Mahfooz Alam, Md. Madin Ansari and Nagendra Chaudhary, as accused, who indulged in counterfeiting currency notes. On the confessional statement of Ranjit Kumar, the opposite parties were apprehended. On search, fake currency notes to the tune of Rs.1,29,300/- was recovered from the house of opposite party no. 1. However, nothing was recovered from the house of other opposite parties.

Though the currency notes were seized, the same was not sealed while tendering the same for forensic examination, as would appear from the evidence of I.O. (PW-10). As the currency notes, which was said to be seized from the house of the opposite party no. 1, was not sealed, the learned Trial Court has rightly observed that it cannot be held for certainty that the currency notes which were seized from opposite party no. 1, were sent for forensic examination.

In this view of the matter, we do not find any illegality in the order of Trial Court in acquitting the opposite parties and the accordingly instant government appeal is dismissed.

Since, we find no merit in the appeal, the limitation petition is also rejected.

(Samarendra Pratap Singh, J.)

(Rajendra Kumar Mishra, J.)

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