

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.920/2016

Shaikh Gaffar @ Abdul Gafar S/o Shaikh Mussa

..Vs..

A.T.S. Mumbai, through Police Inspector, Tq. and Distt. Mumbai

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.V. Sirpurkar, Adv. for the applicant.
Shri N.R. Patil, A.P.P. for the respondent / State.

CORAM : Z.A.HAQ, J.

DATE : 15.6.2017.

Heard.

The applicants are arrested in crime registered against them for the offence punishable under Sections 489(b)(c) of the Indian Penal Code read with Section 15(1)(a)(iiia), 16 and 18 of the Unlawful Activities (Prevention) Act, 1967 (for short “Act of 1967”) on the accusations that fake currency notes of denominations of Rs.1,000/- and Rs.5,00/- are seized from them. It is alleged that Rs.5,10,000/- have been seized from the applicant No.1 and Rs.10,000/- have been seized from the applicant No.2.

The contention of the applicants is that the provisions of the Act of 1967 cannot be applied unless procedure laid down by Rule 6, specifically Sub-rules (4) and (5) of the Investigation of High Quality Counterfeit Indian Currency Offences Rules, 2013 (for short “Rules of 2013”) are complied with.

Shri N.R. Patil, learned A.P.P. has pointed out

that the investigating agency has complied with the requirements of Sub-rules (4) and (5) of Rule 6 of the Rules of 2013. The learned A.P.P. has submitted that the proviso below Sub-rule (2) of Rule 2 of the Rules of 2013 requires that the Investigating Officer should take required steps to obtain preliminary report from notified forensic authority and in the present case final reports are obtained by the investigating officer on 22nd November, 2015, 3rd December, 2015 and 22nd December, 2015 in compliance with the requirements of Rule 3 of the Rules of 2013.

The learned Advocate for the applicants has submitted that the order granting sanction for applying the Act of 1967 is not reasoned order and it does not deal with the report of notified forensic authority. In my view, these submissions are not required to be delved into while considering the present application and it would be sufficient to rely on the submissions made on behalf of the non-applicant which prima-facie shows compliance with the above referred Rules.

Considering the nature of accusations against the applicants and the facts of the case I am not inclined to grant the prayer made in the application. The application is **dismissed**.

JUDGE