

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-1896-2017 (O&M)
Date of decision : 6.2.2018

State of Punjab

... Petitioner

VERSUS

Mohinder Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. V.G.Jauhar, Sr. DAG, Punjab

None for the respondent.

RAJ SHEKHAR ATTRI, J.(Oral)

A bare perusal of the recovery memo Ex.P1/T transpires that Mohinder Singh disclosed that he had hidden old currency notes of ₹ 1,38,000/- in his house and those were recovered and taken into possession on 25.10.2014.

Subsequently, the investigating agency submitted an application for converting those old currency notes into new one due to demonetization but that application was declined by learned Additional Sessions Judge, Ludhiana vide his order dated 13.2.2017 with the following observations : -

“Record was summoned. Perusal of the record revealed that the accused has already been convicted in this case by this Court vide judgment dated 18.11.2016. On further scanning the record, it is revealed that as per prosecution version the accused got recovered the aforesaid currency of Rs.1,38,000 which was taken into possession vide separate memo, however, on

scanning the said memo, it is revealed that the denomination of currency notes got recovered by the accused has not been mentioned. In fact, the SHO was given due opportunity to show that denomination of currency notes pertaining to Rs.500/- and Rs.1000/- were recovered in this case and deposited in the Malkana, however, the concerned SH failed to show the said aspect so much so even the record does not reveal that currency notes having denomination of Rs.500/- comprising of 116 notes and Rs.1000/- comprising of 80 notes were recovered.

Thenceforth, in the absence of any material on record that Rs.1,38,000/- comprised of denomination 116 notes of Rs.500/- and 80 notes of Rs.1000/-, the application in hand stands dismissed. File be consigned to record room.”

Record transpires that recovery of currency notes of ₹ 1,38,000/- was effected from Mohinder Singh accused. Those are duly entered in the record of the police station. No cogent reason was assigned by the learned Additional Sessions Judge for declining the prayer to convert the old currency notes into the current.

In this view of the matter, impugned order suffers from irregularity, illegality and is not sustainable and the same is set aside. The application filed by the prosecution stands allowed.

February 6, 2018

Paritosh Kumar

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No