

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 74 of 2007

Kishore Patel, S/o- Shri Jivraj Patel, Aged about- 33 years, R/o- Plot No.4, Sardar Patel, Timber Market, Ghat Road, Nagpur (M.H.)

---- Appellant

Versus

State of Chhattisgarh, Through: Police Station Pulgaon, District-Durg (C.G.)

---- Respondent

For Appellant : Mr. Manoj Mishra appears as Amicus Curiae

For State : Mr. Afroj Khan, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma

Judgment On Board

20/11/2019

1. This appeal is preferred against the judgment dated 28th December, 2006 passed by Second Additional Sessions Judge, Durg (C.G.) in Sessions Trial No. 281/2005 wherein the said Court convicted the appellant for offence under Section 489-C of IPC and sentenced him to undergo R.I. for 5 years with fine of Rs. 5000/- and in default of fine 3 months more R.I., for having possession of counterfeit currency notes Rs. 54,700/- in Rs.100/- denomination notes.

2. Section 489-C of Indian Penal Code may be read as under:

“489-C - Possession of forged or counterfeit currency-notes or bank-notes - whoever has in his possession any forged or counterfeit currency-note or bank-note,

knowing or having reason to believe the same to be forged or counterfeit and intending to use the same as genuine or that it may be used as genuine, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

3. The case of the prosecution is based on the statement of the Assistant Sub Inspector- Manharan Banafar (PW-4) and report of Currency Notes Press Nasik Press as per Ex.P-8 Assistant Sub Inspector- Manharan Banafar (PW-4) deposed before the Trial Court that he seized Rs. 54,700 from the appellant and same was sent for examination to ascertaining whether the currency notes are genuine or not. After examination it was opined by the Currency Note press Nasik as per Ex.P-8 that this Currency notes are counterfeit notes.
4. Looking to the evidence regarding counterfeit currency notes, the Trial Court opined that in absence of substance of proper explanation, it is presumed that appellant was having possession of counterfeit currency notes and the appellant intentionally used these currency notes to be genuine which is punishable offence under Section 489-C of the IPC.
5. Finding of the trial Court is based on proper marshaling of the evidence and same is not liable to be interfered with invoking jurisdiction of appeal.

6. Learned counsel on behalf of appellant submits that there is no evidence that counterfeit currency notes were in possession of the appellant. Therefore, finding against the appellant is not liable to be sustained.
7. Looking to the entire evidence, the argument is without substance, there is no reason to disbelieve the statement of police officer and there is no reason to disbelieve the report made by the Currency Note Press Nasik. Accordingly, conviction of the appellant for commission of offence under Section 489-C of IPC is hereby affirmed. Looking to gravity of offence, sentence part is also upheld.
8. As per jail report received from the Jail Superintendent of Durg appellant has suffered full jail term, therefore, no further order for his arrest etc., is required.
9. Accordingly, this appeal is liable to be and is hereby dismissed.

Sd/-

(Ram Prasanna Sharma)
Judge