

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 152 of 2015**

- Bantu Shravaan Choudhary S/o Shravaan Choudhary, aged about 36 Years R/o Ramnagar, Ward No. 9, P.S. and Tahsil- Gadchirauli, Revenue & Civil District- Gadchirauli, Maharashtra.

---- Appellant**Versus**

- State of Chhattisgarh S/o through Police Station Mahasamund, Revenue & Civil District- Mahasamund, Chhattisgarh.

---- Respondent

For the Appellant : Mr. Durgesh Goyal, Advocate.

For the State/Respondent : Mr. Arun Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Judgment on board****10/01/2019**

1. This appeal has been preferred against the judgment of conviction and order of sentence dated 5.1.2015, passed by the Additional Sessions Judge, FTC, Mahasamund, District-Mahasamund, Chhattisgarh, in Sessions Trial No.105/2013, convicting the accused/appellant under Sections 489B, 489C & 489D of Indian Penal Code (for short 'IPC') and sentencing him to undergo RI for 5 years with fine of Rs.3,000/-, RI for 3 years with fine of Rs.2000/- & RI for 5 years with fine of Rs.3,000/- with usual default clauses, respectively.

2. The prosecution case, in brief, is this that on 16.8.2013 Inspector Narendra Mishra PW-3 received a secret information from one informer that one person is traveling with counterfeit currency notes. The person corresponding to the description given in the secret information was apprehended in the platform of Railway Station Mahasamund. On asking, the appellant told his name as Bantu Shravaan Choudhary. On search being made, 13 counterfeit currency notes of Rs.500/- denomination and 2 counterfeit currency notes of Rs.100/- denomination along with other materials were found in his possession which were seized vide seizure memo of ExP-1. After recording memorandum statement of the appellant, he was formally arrested. FIR for commission of offence punishable under Sections 489A, 489B, 489C & 489D of IPC was registered against him vide ExP-2. In the course of investigation, the spot map Ex.P-3 was prepared by Investigating Officer Narendra Mishra PW-3. Seized counterfeit currency notes were sent for examination to the Currency Notes Press, Nasik vide ExP-5 and the report of Ex.P-6 was received. According to the report of Currency Note Press, Nasik, the currency notes which were sent for examination were counterfeited.
3. On completion of investigation, the charge sheet has been filed before the concerned Court. Charges under Sections 489A, 489B, 489C & 489D of IPC were framed against the appellant, who abjured his guilt and sought trial. Appellant was examined under Section 313 of CrPC in which he denied all the incriminating evidence appearing

against him, pleaded innocence and false implication. No witness was examined by appellant in his defence.

4. It is submitted by counsel for the appellant that as per report received from the concerned jail authority, the appellant has already been released from jail after serving out the entire substantive sentence imposed upon him by the trial Court. Even then, it is submitted that the appellant has been falsely implicated in the present case and has been convicted & sentenced by the trial Court without there being any evidence to sustain the conviction & sentence. Hence, the conviction of appellant under Sections 489B, 489C & 489D of IPC is bad in law and fit to be set aside.
5. Learned counsel for the State has opposed the grounds raised in this appeal as also the arguments advanced by the counsel for the appellant. It is submitted that prosecution has proved its case beyond doubt. The judgment impugned passed by the trial Court is strictly in accordance with law and needs no interference by this Court in exercise of its appellate jurisdiction. Hence, the appeal is liable to be dismissed.
6. I have heard learned counsel for the parties and perused the record of the trial Court including the impugned judgment.
7. The question that requires determination in this appeal is as to whether the prosecution has been able to establish guilt of accused/ appellant, on the basis of evidence beyond reasonable doubt ?

8. After perusing and closely scrutinizing the entire evidence available on record, it is apparent that the trial Court elaborately considered the evidence of each individual material witness in detail and that being the position, this Court is the opinion that the trial Court has not committed any mistake in arriving at a conclusion that the appellant is guilty for the offence punishable under Sections 489B, 489C & 489D of the IPC. Hence, this appeal has no substance, the same is liable to be dismissed and is hereby dismissed.
9. Since the appellant has already served the period of rigorous imprisonment to which he was sentenced, no further direction regarding his surrender etc. is needed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha