

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Appeal No. 448 of 2009

Chetan Diwakar S/o. Shri Parasram Diwakar, Aged about 22 years, R/o. Village Taldewari, P.S. Babanidih, District Janjgir Champa (C.G.)

---- Appellant

Versus

State of Chhattisgarh, Through Police Station Babanidih, District Janjgir Champa (C.G.)

---- Respondent

For Appellant : Mr. Manoj Kumar Sinha, Advocate
For Respondent : Mr. Himanshu Sharma, Panel Lawyer

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board on 14.05.2019

Challenge in this appeal is to the judgment of conviction and order of sentence dated 22.06.2009 passed by the Additional Sessions Judge, Janjgir District Janjgir Champa, in Sessions Trial No. 235 of 2008, whereby the learned Additional Sessions judge, convicted the appellant for the offence punishable under Section 489(C) IPC and sentenced him to undergo rigorous imprisonment for 5 years and to pay fine of Rs. 500/- with default stipulation.

2. Brief facts of the case in short are that on 31.10.2008 ASI B.P. Kaushik (PW-4) along with Constable Gyaneshwar Pandey was on duty at Police Station Bamnidih and he received a secret information from the informer to the effect that the appellant

was trying to use forged/counterfeit currency notes. He recorded the statement of two independent witnesses namely Ramesh Kumar and Chhabilal and searched the appellant. On being searched, he found five currency notes of ₹ 100/- denomination and one currency note of ₹ 50/- from inner pocket of the pant of the appellant in which picture of Gandhiji was not clearly visible. The appellant was arrested vide Ex.P-6, the spot map (Ex.P-7) was prepared and the currency notes were recovered and kept under the seal and signature of PW-4. Sample seal was also prepared. After registration of FIR (Ex.P-8), seized currency notes was sent for examination to the Government Currency Notes Press at Nashik. Reports of expert were received under Ex.P-10 and Ex.P-11.

3. After due investigation, charge-sheet was filed in the Court of JMFC, Janjgir, who, in turn, committed the case for trial to the Court of Additional Sessions Judge, Janjgir who convicted and sentenced the appellant under Section 489 (C) IPC.

4. To prove the prosecution case, Chhabilal Khunte (PW-1), Ramesh Kumar Kurre (PW-2), Head Constable Ranveer Singh (PW-3), Assistant Sub Inspector B.P. Kaushik (PW-4) were examined and statement of the appellant was recorded under Section 313 Code of Criminal Procedure.

5. Counsel for the appellant/accused does not assail the conviction part of the judgment impugned and his only request is that looking to the incident being quite old and also considering

the fact that appellant has remained in jail about 2 months and the jail sentences imposed on him may be reduced to the period already undergone and thereby protect his well settled family life from being up-rooted at this stage. State counsel however, supports the findings recorded by the both the Courts below.

6. From the evidence of B.P. Kaushik (PW-4), the Investigating Officer of the case, it is apparent that on 31.10.2008 acting upon a secret information, he found the counterfeit currency notes of different denominations in possession of the appellant. After recording the statement of Chhabilal and Ramesh Kumar vide Ex.P-2 and Ex.P-3, the currency notes of ₹ 100/- denomination with serial no. 4NG854889 and one currency note of ₹ 50/- denomination with serial no. 3 BT 611333 were recovered from inner pocket and in the said notes picture of Gandhiji was not clearly visible. PW-4 who has proved the FIR (Ex.P-8). The independent witnesses Chhabilal and Ramesh Kumar have also corroborated the statement of PW-4. Even the reports of Bank Note Press under Ex.P-10 and Ex.P-11 also indicate that the currency seized from the possession of the appellant were found to be counterfeit currency notes. Thus, the evidence collected by the prosecution goes to show that the allegation made against the appellant that he was in possession of the counterfeit currency notes and being so the findings recorded by the learned Court below holding the appellant guilty under Section 489(C)

IPC does not appear to suffer from any illegality or infirmity. It is hereby maintained as such.

7. In aforesaid view of the mater the appeal is held to be without any substance and is hereby dismissed as such.

Sd/-

(Vimla Singh Kapoor)
Judge

Santosh