

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 95 of 2012

Rajendra Kumar S/o Prahlad Kumar Mallah, aged about 28 years R/o
Ninwaliya, District & P.S. Betiya (Bihar)

---- Appellant

Versus

State of Chhattisgarh through District Magistrate, Durg District Durg (C.G.)

---- Respondent

For Appellant	:	None.
For Respondent	:	Mr. Alok Nigam, Govt. Adv.

Hon'ble Shri Justice Arvind Singh Chandel
Judgment on Board

14/10/2019

1. By the impugned judgment dated 26/11/2011 passed in Session Trial No. 123/2011 by the Fourth Additional Sessions Judge, Durg (C.G.), the Appellant has been convicted under Section 489-C of the IPC and sentenced to undergo RI for 03 years and to pay fine of Rs. 2000/- with default stipulations.
2. Facts of the case are that on 08/02/2011 at about 3:00 pm, Aditya Sharma (PW3) received information that some people have arrived with huge number of fake counterfeit currency notes by Sarnath Express and were roaming near Sindhi Dharshala. On the basis of said information, he reached to the spot and searched the Appellant. He found total 97 counterfeit currency note of Rs. 500/-. The seized currencies notes were sent for examination. After completion of investigation, a charge-sheet has been filed. Trial Court framed the charges under Section 489-B and 489-C of the IPC. As many as 3

witnesses have been examined. No defence witness has been examined. Statement of the Appellant under Section 313 of the Cr.P.C has been recorded, wherein he has pleaded his innocence and false implication in the matter.

3. After trial, the trial Court has acquitted the Appellant from the charges framed under Section 489-B of the IPC, however, the Appellant has been convicted and sentenced as mentioned paragraph one of this judgment. Hence, this appeal.
4. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Durg would mention that the Appellant has undergone the entire jail sentence imposed upon him by the Trial Court and already released 14/02/2013.
5. Since no one appears for the Appellant today, I decide this appeal on merits.
6. I have heard Learned Counsel appearing for the State and perused the record to assess the correctness of the impugned judgment of conviction.
7. Aditya Sharma (PW3), Town Inspector in his court statement has stated that on 08/02/2011, he received an information from the informant that some people are trying to run fake currency notes. Thereafter, he reached to Sindhi Dharmshala and searched the Appellant. On being searched total 97 notes of 500/- was found in his possession which was seized vide Ex.P-1. Seizure was prepared before Bholanath (PW1) and Gendlal (PW2). Though both the said witnesses have not supported the case of the prosecution, Aditya Kumar (PW3) has remained firmed during his cross-examination. In his

cross-examination examination, there is nothing on the basis of which it can be said that he has made false statement in this case. He further stated that the seized currency notes were sent for examination. Examination report is Ex.P.-8 and as per this report, the notes were found fake. Considering the facts and circumstances of the case and on the basis of statement of Aditya (PW3), it is well established that the Appellant was found in possession of fake currency which he was trying to circulate in the market, therefore, the trial Court has rightly convicted the Appellant which does not require any interference.

8. Consequently, I do not find any merit in this appeal. The same is dismissed.

**Sd/-
(Arvind Singh Chandel)
Judge**