

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.A. No. 101 of 2013

Bhuneshwar Prasad Navratan, S/o. Jageshwar Prasad Navratna, Aged About 40 Years, R/o. Village Baglota, P. S. Bilaigarh, Distt. Baloda Bazar C.G.

---- Appellant

Versus

State Of Chhattisgarh, Through : The Distt. Magistrate, Mahasamund, Distt. Mahasamund (C.G.).

-----Respondent

AND

CR.A. No. 103 of 2013

Puniram Patel, S/o. Bhagat Ram Patel, Aged About 26 Years, R/o. Village Maldi, P.S. Bilaigarh, Distt. Baloda Bazar (C.G.)

---- Appellant

Versus

State Of Chhattisgarh, Through : S.H.O., P.S. Basna, Distt. Mahasamund (C.G.)

-----Respondent

For Appellants	: Mr. Vivek Tripathi, Advocate
For Respondent/State	: Mrs. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/01/2019

1. Both the appeals are being heard and decided together by this common order as they are arising out of the same criminal case and the incident.
2. Both the appeals have been preferred against the judgment of conviction and order of sentence, passed by the learned Second Additional Sessions Judge, Mahasamund, District – Mahasamund (C.G.), in Sessions Trial No.36/2012 on 22.01.2013, convicting the

appellant (in Cr.A. No.101 of 2013) for the offence under Section 489-B and 489-C of the Indian Penal Code and sentencing him for rigorous imprisonment for a period of 5 years and fine of Rs.3000/- and rigorous imprisonment for a period of 3 years and fine of Rs.2000/- respectively with default stipulations and the appellant (In Cr.A. No.103/2013) for the offence under Section 489 (A) and 489 (D) of the Indian Penal Code and sentencing him for rigorous imprisonment for a period of 5 years and fine of Rs.3000/- and rigorous imprisonment for a period of 5 years and fine of Rs.3000/- respectively with default stipulation.

3. The case of the prosecution is this that on 18.03.2012, Sub-Inspector, Vinod Sharma (P.W.-4) was on petrolling duty along with his team then he received a confidential information at 18.45 PM regarding the appellant- Bhuneshwar Navratna present on the spot carrying counterfeit currency notes. Vinod Sharma (P.W.-4) arrived on the spot with his team and then apprehended the appellant -Bhuneshwar Navratna and on making search of his person and his belongings, he was found in possession of currency notes of Rs.1,41,000/- of Rs.500/- denomination and Rs.19,000/- of Rs.100/- denomination counterfeit currency notes, total valued Rs.1,60,000/-, which were seized from his possession vide seizure memo Ex.P-8. Later on at the instance of the appellant – Puniram Patel seizure of computer monitor, other gazettes and tools were made vide Ex.P-11. Sample of the seized counterfeit currency notes were sent for examination to the Currency Notes Press Nasik Road. Report vide Ex.P-3 was received, according to which all the currency notes

seized were found to be counterfeit and fake. After completion of investigation, charge-sheet has been filed against both the appellants.

4. Appellant – Bhuneshwar Prasad Navratna was charged with offence under Section 489 (B) and 489 (C) of the of the Indian Penal Code and the Appellant – Puniram Patel was charged with offence under Section 489 (A), 489 (B), 489 (C) and 489(D) of the of the Indian Penal Code. Both the appellants denied the charges and prayed for trial. The prosecution examined as many as 6 witnesses on its behalf. On examining the appellants under Section 313, they denied all the incriminating evidence against them and pleaded innocence and false implication. No witness was examined in defence. On completion of trial, judgment has been delivered, in which the appellants stand convicted and sentenced as mentioned aforesaid.
5. It is submitted by the learned counsel appearing on behalf of the appellants that the appellants have been wrongly convicted by the trial Court on the basis of the unbelievable evidence of the prosecution evidence and the prosecution has totally failed to bring the evidence beyond reasonable doubt. The witness of search and seizure have made contradictory statement and there is no proof that sample of the currency notes seized were sent for examination to the Currency Notes Press Nasik Road, as the prosecution has not proved the receipt of samples of the currency notes of the Currency Note Press of Nasik and also no evidence has been brought on record to support that article seized from the appellant- Puniram

were kept in Malkhana of the police station in safe custody. The procedure of sealing and sampling of the articles has not been followed in such a manner so as to exclude tampering of the samples etc., therefore, because of these lapses, finding of the Court below can not be said to be sustainable. Hence, prayed that the appeals be allowed and the appellants be acquitted of the charges leveled against them. It is also submitted that both the appellants have completely undergone the sentence imposed upon them by the trial Court and they have been released from the jail, therefore, to restore the prestige of the appellants, both the appeals be allowed.

6. Counsel for the State opposes the grounds raised in appeal and the submissions made in this respect. It is submitted that the prosecution has proved its case beyond all reasonable doubts. The witness of search and seizure have affirmatively supported the prosecution case regarding their presence and the procedure of search that has been made from the possession of the appellants in both the cases. Further even though the evidence of transmission of samples has not been produced but report of currency notes from Press Nasik Road is itself sufficient to hold that the currency notes that were seized from the appellant – Bhuneshwar Prasad Navratna were counterfeit and the equipments that were seized from the appellant – Puniram Patel were used for printing of the said counterfeit notes. Hence there is no room for interference in the impugned judgment, hence, both the appeals be dismissed.

7. I have heard the learned counsel for the parties and perused the record of the Court below.
8. The point in issue in both the appeals is whether the prosecution has proved the charges against the appellants on the basis of the evidence beyond reasonable doubt?
9. Perused the entire evidence of all the witnesses examined by the prosecution before the trial Court. After closely scrutinizing the same and after due consideration I am of this view that the trial Court has not committed any error in coming to the conclusion of finding guilt against the appellants, therefore, both the appeals are without any substance and it is dismissed accordingly.

Sd/-
(Rajendra Chandra Singh Samant)
Judge