

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1247 of 2019

- Ganesh Battar S/o Shri Bhanwar Lal Bhattar, Aged About 64 Years, R/o 'Parishram Tower', Anupam Nagar (Shankar Nagar), B/7, Opp. T.V. Tower, Police Station Khamardih, Raipur, Revenue and Civil District Raipur Chhattisgarh 492007., District : Raipur, Chhattisgarh

---- Applicant

Versus

- The State of Chhattisgarh through the In-charge Police Station City Kotwali, Baloda Bazar, District Baloda Bazar-Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

----Non-applicant

For Applicant – Shri H.C. Shukla, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-11-2019

1. This revision has been brought challenging the legality, correctness and propriety of the order of framing charge against this applicant, which has been passed on 24-06-2019 by the First Additional Sessions Judge Baloda Bazar, Chhattisgarh in Sessions Case No.66/2018.

2. It is submitted that on the basis of the charge sheet filed the learned trial Court has framed charge against the applicant under Section 489(B) of the IPC. There is no substance present in the charge sheet on the basis of which this charge could have been framed against this applicant. There had been no seizure made of any counterfeit currency note from the possession of this applicant. Name of the applicant also does not find mention in the FIR or in the statement of any of the witnesses.

Placing reliance on the judgments of Hon'ble the Supreme Court in the matter of **Dipakbhai Jagdishchandra Patel v. State of Gujarat and Anr.**, AIR 2019 SC 3363; **Anil Khadkiwala v. State (Government of NCT of Delhi) and another**, 2019 AIR(SC) 3583 and **Superintendent and Remembrancer of**

Legal Affairs, W.B. Vs. Mohan Singh and others, AIR 1975 SC 1002 it is prayed that the impugned order be set aside.

3. Learned counsel for the State/respondent opposes the revision petition and the grounds raised in the petition. It is submitted that according to the material present in the charge sheet, it is clearly made out that this applicant is connected with the deposit of counterfeit currency note in the bank. Therefore, no case is made out for discharge.

4. Heard learned counsel for the parties and perused the documents.

5. Complainant Akash Gupte who is Branch Manager of State Bank of India, Baloda Bazar gave a written complaint to the police station, that in the year 2009-2010 some counterfeit currency notes were deposited by the persons named in the complaint. One of the concerns was named as Jai Shree Ram Auto Baloda Bazar and the name of the applicant is nowhere mentioned. On the basis of this complaint, the FIR was lodged and the case was investigated. Seizure of currency notes has been made from the possession of the complainant himself, the complainant has then made a statement under Section 161 of the Cr.P.C. that one of the counterfeit currency note of Rs.500/- was deposited by Jai Shree Ram Auto Baloda Bazar. Same is the statement of other witnesses namely, M.A. Siddiqi and Vijay Kumar Soni.

6. On the basis of the documents of the prosecution that have been produced it is found that name of the applicant does not find mention, but the trial in the case is proceeding in which complainant Akash Gupte has been examined as PW-1, then on the suggestion given by the counsel of the applicant himself it is admitted by the witness that the applicant is proprietor of the firm Jai Shree Ram Auto Baloda Bazar. Therefore, prima facie, there is evidence that the counterfeit currency note was deposited by the firm Jai Shree Ram Auto Baloda Bazar and there is admission of the applicant that he is proprietor or partner of the said firm. Therefore, looking to this evidence

present against him, I am of this opinion that the trial Court has not committed any error in framing of charge against the applicant.

7. It has been held by Hon'ble the Supreme Court in the matter of **Supdt. & Remembrancer of Legal Affairs West Bengal Vs. Anil Kumar Bhunja & Ors.**, 1979 SCC (4) 274 that even a very strong suspicion founded upon materials before the Court leading to form a presumptive opinion as the existence of the factual ingredients constituting the offence alleged; may justify the framing of charge against the accused. And also the report of Reserve Bank of India is present, connection of Jai Shree Ram Auto Baloda Bazar with this applicant is also not denied. Therefore, this is sufficient to form opinion for framing of charge against the applicant. Hence, this petition is without any substance which is dismissed accordingly.

Sd/-

(Rajendra Chandra Singh Samant)
Judge