

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 1641 of 2019**

- State of Chhattisgarh, through- Police Station Birra, District Janjgir-Champa (C.G.).

---- Applicant**Versus**

- Veer @ Veerbhadra Layan, S/o Loknath Layan, aged about 22 years, resident of ward No. 15, Bus Stand Hasaud, Police Station Hasaud, District- Janjgir- Champa (C.G.).

---- Respondent

 For Applicant/State

: Shri Neeraj Mehta, Panel Lawyer

Hon'ble Justice Shri Prashant Kumar Mishra**Hon'ble Justice Shri Gautam Chourdiya****Judgment On Board by Justice Prashant Kumar Mishra****03/02/2020**

1. This Criminal Revision under Section 397 read with 401 Cr.P.C. is directed against the Order dated 15.05.2019, rendered by the Sessions Judge, Janjgir-Champa, Chhattisgarh in Sessions Trial No. 58/2017, discharging the accused of the charges under Sections 489-A, 489-B & 489-C of IPC.
2. Briefly stated, the prosecution case was that the concerned police received secret information on 14.06.2017 to the effect that accused- Lakeshwar Yadav and Purushottam Mahant are possessed of counterfeit currency notes and are trying to circulate the same. These two accused persons were arrested and from their possession counterfeit currency notes and equipments were

recovered. The present respondent/accused was arrested on the basis of memorandum statement of Lakheshwar who informed the police that it was the present accused who had given them counterfeit currency notes worth Rs. 15,000/- for circulation. When charge-sheet was filed against Lakheshwar Yadav and Purushottam the present respondent was shown absconding. In a separate trial, Lakheshwar Yadav and Purushottam Mahant have been sentenced for committing offences under Sections 489-A, & 489-C of IPC vide judgment dated 30.04.2018 in Sessions Trial No. 58/2017 in the Court of Sessions Judge, Janjgir-Champa.

3. When the present respondent was arrested on 22.01.2019 charge-sheet was filed against him only on the basis that in his memorandum statement he admitted to be involved in production of counterfeit currency notes and from his possession, one bundle of JK bond paper was recovered.
4. Having seen the record which is available in Criminal Appeal No. 671/2018, we are of the view that the trial Court has rightly discharged the accused of the charges for the reason that memorandum statement and consequent seizure of JK Bond paper are not sufficient enough withing the realm of legally admissible evidence so that the accused can be sent for trial only on the basis of this evidence. It is settled law that the probative evidentiary value of the evidence collected by the prosecution can not be considered at the time of framing of charge as the same is required to be considered during trial but there is difference between probative evidentiary value of admissible evidence and an

evidence which is not admissible. In the earlier category, the Court is required to frame charge and then consider it's the probative evidentiary value if the prosecution succeed in establishing the same. However, when the evidence contained in the charge-sheet is not admissible against the accused, it is a case where the accused need not be sent for trial.

5. No case for entertaining this revision application is made out, it fails and is hereby dismissed.

Sd/-

Sd/-

(Prashant Kumar Mishra)
Judge

(Gautam Chourdiya)
Judge

Amita