

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 634 of 2021**

- Rameshra Amlesh, S/o Nohar Singh, Aged about 35 years, Caste- Gond, R/o- Village - Rataga, Bartola, Police Station & Tahsil- Marwahi, District- Gaurela - Pendra - Marwahi (G.P.M) (Wrongly mentioned as Pendra in the order sheet) (C.G.).

---- Appellant

Versus

- State of Chhattisgarh, through- Station House Officer, Out Post- C.S.E.B, Police Station- Kotwali, District- Korba (C.G.).

---- Respondent

For Appellant	:	Mr. Dharmesh Shrivastava, Advocate.
For Respondent/State	:	Mr. Sunil Otvani, Additional A.G.

Hon'ble Shri Justice Goutam Bhaduri**Hon'ble Shri Justice Arvind Singh Chandel****Judgment on Board****Per Goutam Bhaduri, J.****25/10/2021**

1. Heard.
2. The present appeal is filed under Section 21(4) of the National Investigation Agency Act, 2008 against the order dated 05.03.2021 passed by the learned Additional Sessions Judge (F.T.C.), Korba, District- Korba (C.G.) in B.A. No. 74/2021 arising out of Crime No. 02/2021, Police Station- Kotwali, Out Post- CSEB, District- Korba for the offence under Sections 489-क, 489-ख, 489-ग, 489-घ, 34, 201 of the I.P.C.

3. As per the prosecution case, on 31.12.2020 an information was received that the appellant along with other accused were trying to circulate the fake currency notes at a crowded place in the market, and while doing so he was arrested. When the appellant was apprehended, two of other co-accused namely Rai Bahadur and Gulab Ahiresh who were with the appellant fled away. Subsequently, at the instance of the appellant the motor-cycle on which they traveled, from the dikki of vehicle fake notes of Rs. 200/- of 10 number and Rs. 500/- denomination notes of 12 were seized.
4. Learned counsel for the appellant would submit that the appellant who is a daily wage worker was given the notes in lieu of the work he has done, therefore, his possession was innocent without knowing the fact of the said notes, whereas the allegation of printing the notes is attributed to some other co-accused. He further submits only two notes of Rs.100/- denominations were seized from the appellant. Charge-sheet has been filed and the appellant may be enlarged on bail.
5. Per contra, learned State counsel opposes the arguments and would submit that the appellant was in connivance with the other co-accused, tried to circulate the fake notes in the crowded place in the market and when the appellant was apprehended the other co-accused fled away and from the memorandum at the instance of the appellant, 10 notes of the denomination of Rs. 200/- and 12 notes of denomination of Rs. 500/- were recovered from the dikki of the motor-cycle, therefore, the appellant was in connivance with possession of the notes.

6. Perused the memorandum and the case diary. Considering the memorandum and the nature of seizure that at the instance of the appellant from the dikki of a motor-cycle, the fake notes of Rs. 200/- and Rs. 500/- were recovered, therefore, without any observation on the merit, as the appellant is facing the trial, we are not inclined to allow this appeal. Sans merit is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Sd/-
(Arvind Singh Chandel)
Judge