

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION**

Present:
The Hon'ble Justice Debangsu Basak
And
The Hon'ble Justice Md. Shabbar Rashidi

CRA (DB) 235 of 2024
With
IA No.: CRAN 1 of 2024

Sanatan Mondal @ Sanatan Mandal
Vs.
The State of West Bengal

For the Appellant : Mr. Aniruddha Bhattacharyya, Advocate
Ms. Rai Das, Advocate

For the State :Ms. Anasuya Sinha, Ld. APP
Mr. Bikram Mitra, Advocate

Hearing & Judgment on : September 12, 2025

MD. SHABBAR RASHIDI, J.:-

1. Appeal is directed against the judgment of conviction dated June 26, 2024 and the order of sentence dated June 27, 2024 passed in Sessions Trial No.03 (09) 2012 arising of Sessions Case No.50 of 2012.

2. By the impugned judgment, the appellant was convicted for committing offence punishable under Section 489B of the Indian Penal Code and by the impugned order, he was sentenced to suffer rigorous imprisonment for nine years and to pay a fine of Rs.20,000/- and in default of payment of fine, he was asked to suffer rigorous imprisonment for further period of one year.
3. The appellant was also convicted for the offence punishable under Section 489C of the Indian Penal Code and for such offence, he was sentenced to suffer rigorous imprisonment for five years and to pay a fine of Rs.10,000/-. In default of payment of fine, the convict was asked to undergo a further rigorous imprisonment for six months.
4. Learned Advocate appearing for the appellant submits that the appellant is alleged to have been found in possession of fake Indian currency notes and the raiding party intercepted him and recovered the fake Indian currency notes from his possession.
5. It is submitted on behalf of the appellant that no GD entry was made with regard to the movement of the raiding party. Besides that, learned Advocate appearing for the appellant also submits that, the recovery of fake Indian currency notes from the possession of the appellant was made in the market place. However, no independent witness was cited in the seizure list. For such reason, the recovery of fake Indian currency notes from the possession of the appellant is highly doubtful.

6. Learned Advocate appearing for the appellant also submits that, as per the case of the prosecution, the appellant went to purchase certain motor parts from the shop room. No stock register etc. have been seized to establish that, the shop room contained the articles which the appellant intended to purchase.
7. Learned Advocate appearing for the appellant also submits that, for the aforesaid anomalies in the prosecution case, a conviction cannot be sustained.
8. On February 29, 2012 in the afternoon, the de facto complainant Sub-Inspector, Rabin Bhangi, of STF, Kolkata Police received a source information to the effect that one person of Malda based FICN racket was coming to Kolkata with huge amount of fake Indian currency notes and was likely to come to the vicinity of the Mallick Bazar market for the purpose of trafficking the same. Accordingly, a watch was conducted in and around the Mallick Bazar area with the source at about 13.30 hours after obtaining due permission from the superior officer. After arrival at Mallick Bazar market, the raiding team kept maintaining watch in and around the area. At about 15.15 hours a chaos was noticed within a gathering at the shop styled as 'Shailendra Motor' of 37A, A.J.C. Bose Road, Kolkata. The de facto complainant stepped towards the shop room with the source to see the altercation. At that time, one young man tried to flee and he was intercepted. The source accompanying the de facto complainant identified the said

person as the trader of the fake Indian currency notes. On query made by the de facto complainant, the shop owner, Shailendra Kr. Shaw, stated that the aforesaid person had come to the shop and purchased some articles like self starter, regulator, alternator, etc. He paid twelve pieces of Rs.1000/- G.C. notes. On usual checking, the tendered notes were appearing to be counterfeit and he asked one of his employees, namely, Md. Akram to check the tendered notes who also raised doubts over the genuineness of the currency notes. The purchaser was asked to change the currency notes. Therefore, an altercation broke out in the shop room and the surrounding people started assembling. In the written complaint it was disclosed that upon query, the detained person disclosed his name as Sanatan Mandal, a resident of Malda. De facto complainant made a request for the assembling people to be witnesses whereupon the shop owner, Shailendra Kr. Shaw, and his employee, Md. Akram, agreed to become the witnesses. In presence of the witnesses, search was conducted upon the detained person at the said shop room after observing all legal formalities. On such search, 300 pieces of Indian currency notes of the denomination of Rs.1000/- and 200 pieces of Indian currency notes of Rs.500/- each, 68 pieces of Indian currency notes of Rs.1000/- each, 12 pieces of Indian currency notes of Rs.1000/- each appearing to be fake were recovered from the possession of the appellant. A road challan cum bill of Rs.12,000/- issued by the shop owner was also recovered from his possession.

After observing all formalities, the detained person was arrested at about 18.50 hours. The de facto complainant lodged a complaint in this regard. On the basis of such written complaint, Park Street Police Station Case No.59 of 2012 dated February 29, 2012 under Sections 489B/489C/120B of the Indian Penal Code was registered against the appellant.

9. Police took up the investigation and on completion of investigation submitted charge sheet against the appellant. Accordingly, on the basis of the materials in the case diary, charges under Sections 489B/489C of the Indian Penal Code were framed against the appellant on September 15, 2012.
10. In order to substantiate the charges, the prosecution examined seven witnesses in all. In addition to the ocular evidence, prosecution also relied upon certain documentary and material evidence.
11. The de facto complainant himself deposed as P.W.1. He stated that on February 29, 2012 in the afternoon, he received a source information that the fake Indian currency notes dealer of Malda will be coming to Mallik Bazar under Park Street Police Station to purchase motor parts. Accordingly, he informed his superior and the team was formed under the leadership of one Inspector, Barendar Singh Kaberwal following the permission of A.C., STF. The team accompanied by the source proceeded to Mallik Bazar market area at about 1.30 pm. They kept watching in an around the area at about 3.15 pm. The team noticed

that a hot altercation going on in a shop. The team rushed to the place, namely, Sailendra Motor, at 37A, A.J.C. Bose Road, Park Street Police Station. When they reached near the place, the source pointed out a person who had come to Calcutta with the fake Indian currency notes. The team entered into the shop room and found that the altercated person was trying to flee but he was apprehended by the team. P.W. 1 disclosed the identity before the shop owner. The shop owner reported to him that the said customer had come to his shop at 3 pm for purchasing motor parts and purchased certain articles for value of Rs.12,000/-. In order to pay, the said person handed over 12 notes of the denomination of Rs.1,000/- each. The shop owner doubted the said currency notes whereupon he asked his employee Md. Akram to check those notes who also verified that the said notes appeared to be fake. The said notes were returned to the purchaser but the purchaser claimed the said notes to be genuine. In the meantime, P.W.1 arrived at the spot.

12. P.W. 1 further stated that the customer disclosed his name as Sanatan Mondal. He identified the appellant as the said person. P.W.1 requested the gathered public for a witness whereupon the shop owner and his employee agreed to be such witnesses. Thereafter, a search was conducted and tendering money of Rs.12,000/- of 12 pieces of Rs.1000/- notes and from packet and bags in total a sum of Rs.4,68,000/- were recovered from the possession of the appellant

which tend to 368 pieces of fake Indian currency notes of the denomination of Rs.1,000/- each and 200 pieces of fake Indian currency notes of the denomination of Rs.500/- each recovered from him. Including tendering money of Rs.12,000/- in total a sum of Rs.4,80,000/- was recovered from the appellant. A bill cum road challan was also recovered from him besides other articles like Pan Card. P.W. 1 seized the recovered articles in presence of the witnesses. He also obtained the signatures of the witnesses as well as the appellant on such seizure list. The seized articles were packed, sealed and labelled. The appellant was arrested. He also recorded the statement of witnesses. Thereafter, P.W.1 along with the arrested appellant and the seized articles moved to Park Street Police Station and lodged a complaint with the Officer-in-Charge. He proved his signature on the written complaint as well as on the seizure list containing 11 pages. P.W. 1 also identified the seized currency notes in the Court.

13. The owner of the shop where the incident took place deposed as P.W.2. He stated that on February 29, 2012 at about 3 o'clock he was working in his office under the name and style of 'Sailendra Motors'. At that time one person came to purchase spare parts. He purchased one Inova Regulator, one Swift Regulator and one Indica Regulator at a value of Rs.12,000/-. P.W. 2 issued a challan in this regard which was kept by the purchaser in his pocket. Thereafter, the purchaser paid

the consideration money with currency notes of denomination of Rs.1000/- each. Taking the notes in his hands, P.W. 2 suspected those notes to be fake. He asked his employee, Md. Akram to verify the notes. The employee, after perusing the notes also doubted its genuineness. P.W. 2 then asked the customer that the notes were not genuine which was denied by the purchaser. He took back the notes and was sitting in his office. At the time, some persons assembled there. P.W. 2 explained the incident to them. Thereafter, a search was conducted upon the appellant. P.W. 2 entirely corroborated the statement of P.W. 1 so far as the recovery of currency notes and search and seizure of the same from the possession of the appellant. He proved his signature on the seizure list. P.W. 2 also identified the seized articles in Court.

14. The employee of P.W. 2 was examined as P.W. 3. He has testified that on February 29, 2022 at about 2.00 p.m., he was working in the shop owned by Sailendra Kumar Shaw. This witness had also testified the statements of P.W. 1 and P.W. 2 right from the arrival of the appellant for the purchase of motor parts until recovery of the alleged fake currency notes from the purchaser. He has also corroborated the recovery of fake currency notes from the possession of the appellant. He proved his signature on the seizure list. He also identified the appellant in Court as well as the seized articles.

15. The Assistant General Manager of Bharatiya Reserve Bank Note Mudran (P). Ltd., Salbani was examined as P.W. 4. He stated that he received requisition for examination of currency notes which were suspected to be fake. The currency notes were received in sealed condition. It was opened in the office of P.W. 4 and was examined. After examination, he came to conclusion that the currency notes were counterfeit notes. He prepared a report in this regard. P.W. 4 proved the examination report as well as the analysis report and put his signature which was admitted and were marked as Ext. '3' and Ext. '4'.
16. The Assistant Commissioner of Police deposed as P.W. 5. He stated that on February 29, 2012, P.W. 1 came to his office and informed that one source information was received that there was a chance of fake currency dealer arriving at Mallick Bazaar area. P.W. 5 informed the matter to his superior and took necessary permission and formed a raid team consisting of himself and other police personnel at about 1.30 p.m. The raiding party reached near the spot and kept watching. At about 3.15 p.m, they noticed one chaos inside the lane of 37A, AJC Bose road. Thereafter, P.W. 5 has corroborated the statement of P.W. 1, 2 and 3 in respect of recovery of fake currency notes from the possession of the appellant and seized the same under proper seizure list. He also corroborated that after recovery of the fake currency notes, the appellant was arrested.

17. Recording Officer deposed as P.W. 6. He stated that on February 29, 2012 at about 10.20 p.m., P.W. 1 accompanied by the raiding team members and the arrested person including the seized articles came to the police station and lodged a written complaint with the Officer-in-Charge. Under the direction of the Officer-in-Charge, P.W. 6 made a G.D. entry of the same and thereafter, started Park Street Police Station Case No. 59 of 2012 dated February 29, 2012 against the appellant. He filled up the formal FIR. P.W. 6 proved the G.D. entry, formal FIR, the endorsement of the receipt on the written complaint. P.W. 6 was initially endorsed with the investigation of the case. He examined the complainant and took over the charge of the seized articles which were kept in safe custody in the malkhana of the police station. Thereafter, at about 11.40 p.m., he handed over the charge of the investigation to the other police officer in terms of the direction of the Officer-in-Charge making a G.D. entry to that effect.
18. The Investigating Officer deposed as P.W. 7. He stated that upon a requisition from the end of STF, Kolkata, the investigation of the case being Park Street Police Station Case No. 59 of 2012 dated February 29, 2012 was handed over to them. He conducted the investigation of the case. In his deposition, he has described the various steps taken by him in course of investigation. He took charge of the seized articles and sent the alleged fake currency notes for examination. He received opinion of experts on the fake currency notes. On completion of

investigation, he submitted charge sheet against the appellant under Section 489B/489C of the IPC.

19. On conclusion of the evidence on behalf of the prosecution, the appellant was examined under Section 313 of the Cr.P.C. In such examination, the appellant pleaded innocence having no knowledge about the incident. He denied all the allegations made against him. He was picked up from his home and was falsely implicated in the case. He however, declined to adduce any defence witness.
20. From the materials on record, it transpires that the appellant is alleged to be in the possession of huge quantity of fake Indian currency notes to the tune of Rs.4,83,000/-. According to the case made out by the prosecution, the appellant approached motor parts shop for purchasing certain motor parts. He purchased such parts and made payment for such purchase. According to the case of the prosecution, he paid Rs.12,000/- to the shop owner by currency notes in the denomination of Rs.1000/- each. The currency notes were suspected by the shop owner to be not genuine. He returned it to the purchaser. An altercation broke out over the incident. Since, there was a source information before the police, police arrived and arrested the appellant with the huge quantity of fake currency notes.
21. It has been challenged on behalf of the appellant that there were no independent witnesses to the recovery of fake currency notes from his possession. However, such recovery had been testified by P.W. 2 and

P.W. 3, who are the owners and the employee of the shop from where the appellant intended to purchase the motor parts in lieu of the fake currency notes. They can well be classified as independent witnesses. Another allegation has been raised by the appellant at the time of his examination under Section 313 of the Cr.P.C. that he was picked up from his house and has been falsely implicated in this case. However, the evidence adduced by P.W. 1 corroborated by P.W. 2, 3 and 5 clearly establishes that he was arrested from the shop room of P.W. 2 at Mallick Bazaar. No evidence has been brought on behalf of the appellant that he was picked up from his house and was falsely implicated in the case. The appellant has also raised a point that there was an inordinate delay in lodging the FIR. However, the evidence on record goes to show that there are sufficient explanations in the evidence of P.W. 1. The incident occurred at about 3.15 p.m. The time for the entire process of search and seizure was 4 and 1/2 hours. Thereafter, the appellant was taken to the police station. At the police station, P.W. 1 typed the complaint. A formal FIR was registered at 10.20 p.m.

22. We do not find that there was an inordinate and unexplained delay in lodging the First Information Report.
23. On the basis of discussions made above, we find nothing to interfere with the impugned judgment and order.
24. We confirm the same.

25. Accordingly, C.R.A. (DB) 235 of 2024 and the connected application being CRAN 1 of 2024 are dismissed.
26. Period of detention undergone by the appellant during enquiry, investigation and trial shall be set off against the substantive sentence imposed upon him in terms of Section 428 of the Code of Criminal Procedure.
27. Let a copy of the judgment along with the trial Court records be forthwith sent down to the trial Court at once.
28. Urgent Photostat certified copy of this judgment, if applied for, be given to the parties upon compliance of all the formalities.

(Md. Shabbar Rashidi, J.)

29. I agree.

(AD/SD)

(Debangsu Basak, J.)