



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 356 OF 2025

Syed Musaddik s/o Syed Sadat Ali,
Age : 26 years, Occ : Private Service,
R/o. Hyderbagh Gali No.1,
Degloor Naka, Nanded.

... Petitioner
(Org. Accused No.3)

Versus

The State of Maharashtra
Through Principal Secretary
Home Department, Mantralaya,
Mumbai.
Through Police Station, Sillod.

... Respondent
(Org. Non-Applicant)

.....

Mr. Sanket S. Kulkarni, Advocate h/f Mr. Taher Ali Quadri, Advocate
for the Applicant.

Mr. N. D. Raje, APP for the Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 20.11.2025

Pronounced on : 24.11.2025

JUDGMENT :

1. Present revisionist, who is arraigned as an accused in FIR No. 117 of 2018 registered at City Police Station, Sillod, District Aurangabad for offence under Sections 489-B, 489-C r/w 34 of IPC, is questioning the judgment and order of rejection of application for discharge moved under Section 227 of Cr.P.C.

2. Above crime bearing no. 117 of 2018 came to be registered at Sillod City Police Station by a Police Constable alleging that, in the afternoon at around 1.30 p.m. on 09.07.2018 while he was on duty in the vicinity of Sillod Bus Stand, a hawker namely Shaikh Amin Shaikh Afsar approached him stating that in the Shivshahi Bus, in exchange of potato and banana chips packet, he was given a currency note of Rs.200/-. The hawker suspected the genuineness of the note and accordingly told informant. The informant therefore made inquiry with the passenger who gave his name as Abhishek Lad, resident of Ajintha and during inquiry, in his possession, other currency notes were also found and said person was brought to police station, where, on taking search, currency notes of Rs.500/- and Rs.200/-, which were *prima facie* appearing to be counterfeit, were found and so said person was arrested after registration of crime for offence u/s 489-B and 489-C of IPC.

3. Investigation in respect of above crime was carried out and finally Sillod City Police filed charge sheet no. 63 of 2018 against said Abhishek Subhash Lad and four others including present applicant who is arraigned as accused no.3, for commission of above offence.

4. Present revisionist invoked provisions under Section 227 of Cr.P.C. before learned Additional Sessions Judge, Aurangabad seeking discharge vide application Exhibit 28 in Sessions Case No. 263 of 2018. The above application was contested by the State and after hearing both sides, learned Additional Sessions Judge-10 was pleased to dismiss application Exhibit 28 by order dated 10.12.2019, precisely which is assailed before this Court by filing instant revision.

SUBMISSIONS

On behalf of the Revisionist :

5. Learned counsel Mr. Kulkarni for the revisionist would appraise this Court about the above stated facts leading to registration of crime and then would submit that, there is nothing in the entire charge sheet as against present revision petitioner to make him either face charge or to face trial. He emphatically submitted that investigation now being over and charge sheet having been filed, and there being no iota of evidence in any form to connect present applicant with alleged crime, he questions the very implication as well as proposed trial.

6. He pointed out that, alleged crime is of Sillod Police Station. However surprisingly, according to him, on the basis of registration of a distinct crime registered at Osmanpura Police Station, that too on the strength of alleged disclosure of the accused arrested therein under Section 27 of the Evidence Act, leading to seizure of alleged counterfeit currency notes, police claimed that some currency in said seizure are having similar serial numbers which tally with the currency notes seized in crime registered at Sillod City Police Station, and the same is said to be made the basis to connect the applicant.

7. Learned counsel questions the above action of applying material, that too under memorandum of disclosure in another and distinct crime registered at Aurangabad, to merely implicate present applicant as, according to him, in present crime in which applicant is seeking discharge, not a single witness, whose statements are recorded by the Investigating Officer, named applicant and there is no reference of present applicant and therefore, according to him, it is unjust on the part of police machinery to connect present applicant with alleged subsequent crime, that too, without any foundation or basis. He pointed out that, in the FIR at Sillod, in which relief is sought, applicant's name also does not figure. That, no recovery is made from him, nor according to him there is any material to show

nexus of present applicant with alleged arrested accused no.1 Abhishek Lad and therefore, he urges for discharge.

On behalf of the Respondent-State :

8. Learned APP, who strongly opposed, would point out that, there is sufficient material regarding involvement of present applicant also. He would emphasize that in a crime registered at Osmanapura Police Station on 21.07.2011, there was seizure of counterfeit currency notes under disclosure memorandum of present applicant. That, investigating machinery realized that the counterfeit currency notes carry the same serial numbers which tally with the serial numbers of the currency notes seized by Sillod City Police Station, and as such there is strong incriminating material and strong suspicion about involvement of present applicant. For above reasons, he opposes relief prayed for.

9. After hearing submissions of each of the side, it transpires that, here, present applicant is arraigned as accused no.3 in crime no. 117 of 2018 registered at City Police Station, Sillod on the basis of report of Police Constable Sd. Gafur. He reported that, while he was on duty in the vicinity of ST Stand, he was approached by a salesman who

sold edibles on the bus stand to the passengers commuting from or through Sillod Bus Stand. He reported that, said salesman produced a Rs.200/- currency note stating that one of the passengers in a bus, after purchasing chips packets, had handed over the said currency and that it appeared to be counterfeit. On the basis of such information, informant made inquiries with said passenger namely Abhishek Lad and he was thus brought to police station for inquiry and, it is stated in the report that, on search of his bag, he was found to be carrying several other currency notes of denomination of Rs.500/- and Rs.200/- which *prima facie* appear to be counterfeit. His such report resulted into registration of crime.

10. Admittedly, as stated, on going through the report of Police Constable, name of present applicant does not figure. Learned counsel for revisionist has taken this court through the statements of witnesses namely, Shaikh Amin, Dinesh Pure, Shaikh Khaja, Shankar, Shubham and Sanjay, and would submit that, none of them has named or referred to present applicant in the above episode of possession of alleged counterfeit currency by said Abhishek Lad. He very emphatically submitted that even said Abhishek Lad has not named present applicant. Learned counsel for revisionist challenged the prosecution to point out whether there is any material regarding

involvement of revisionist in crime no. 117 of 2018. On court query, learned APP fairly submitted that, in the charge sheet to the extent of above crime, there is nothing against present applicant and that none of the statements reveal his name or involvement. However, according to learned APP, there is material to connect present applicant on the strength of seizure panchanama in another crime registered at Osmanpura Police Station.

11. The above submission of learned APP has no substance for the simple reason that, crime in which applicant is arraigned as accused no.3, *prima facie* does not disclose his name in either FIR or in the statement of any of the witnesses. The second and subsequent crime which is taken aid of to implicate present revisionist is a distinct one and at distinct place. This Court also questioned whether charge of 120-B IPC has been taken aid of and both learned counsel have answered in negative. Therefore, it has to be demonstrated that present applicant was an accomplice with main accused Abhishek Lad or they were both acquainted with each other and were operating together in possessing or circulating counterfeit currency notes. No material is before this Court to connect both of them together and even learned APP has conceded to that extent.

12. Learned counsel for revisionist has placed on record order of this Court by which, other accused, on the basis of same facts and on same points, has succeeded in seeking discharge. Therefore, present applicant is also similarly placed as there is no direct or even circumstantial evidence except panchanama of seizure, that too under police custody in another crime. Revisionist has confined his prayers to only crime no. 117 of 2018 and when there is absence of *prima facie* material regarding his involvement in episode and crime of Sillod City Police Station, there is no reason to make him face trial.

13. Here, it would be just and proper to spell out settled legal position while considering discharge application under Sections 227 and 228 of the Cr.P.C. It is fairly settled position that, at such stage, Court dealing with such application is merely expected to determine existence of *prima facie* material for proceeding to frame charge and make accused persons face trial. Material gathered during investigation is expected to be sifted with limited purpose to find out whether there are sufficient grounds to proceed against accused. Neither in-depth analysis nor meticulous analysis of evidence is expected at such stage. Thus, the only duty of Court is to ascertain whether there is *prima facie* material suggesting existence of essential ingredients for the offences, which are alleged to be committed.

Above position has been time and again reiterated since the cases of State of *Bihar v/s Ramesh Singh* (1977) 4 SCC 39; *Union of India v. Prafulla Kumar Samal and Another* (1979) 3 SCC 4, and a decade back in the cases of *Sajjan Kumar v. Central Bureau of Investigation* (2010) 9 SCC 368; *Amit Kapoor v. Ramesh Chander and another* (2012) 9 SCC 460; *State of Tamil Nadu (By Inspector of Police Vigilance and Anti-Corruption) v. N.Suresh Rajan and Others*. (2014) 11 SCC 709; *Asim Shariff v. National Investigation Agency* (2019) 7 SCC 148; and *Ram Prakash Chadha v. State of Uttar Pradesh* (2024) 10 SCC 651.

14. Bearing in mind the above settled legal position, there being nothing to connect present revisionist with crime no. 117/2018 registered at Sillod, making him face charge or trial would be like inflicting injustice to him. Revisionist thus succeeds.

ORDER

I. The Criminal Revision Application is allowed in terms of prayer clauses (B) and (C).

II. The Criminal Revision Application is accordingly disposed off.

[ABHAY S. WAGHWASE, J.]