

Date of decision: 22.04.2025

DINESH KUMAR

...APPELLANT

V/S

STATE OF HARYANA

...RESPONDENT

2. CRA-S-539-SB-2005

BHAGWAN KUMAR

...APPELLANT

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. H.S. Sitta, Advocate for the appellants.
(Legal Aid Counsel)

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. This order of mine shall dispose of both the above-mentioned appeals as arising out of the same FIR. For the sake of brevity, the facts are borrowed from *CRA-S-123-SB-2005* titled as *Dinesh Kumar vs. State of Haryana*.

2. The prayer in the present appeal is to set aside the judgment of conviction dated 13.12.2004 and order of sentence dated 14.12.2004 passed by learned Additional Sessions Judge, Sonapat, whereby the appellants were convicted and sentenced for the offence punishable under Sections 489-A/489-C, 489-D, 489-E of Indian Penal Code, in the case stemming from FIR No.376



dated 13.12.2002 under Sections 489-A, 489-B, 489-C, 489-D, 489-E of Indian Penal Code at Police Station City Sonapat and the appellants were sentenced as under :

Offence under Section(s)	Sentence
489-A IPC	RI for 04 years with a fine of Rs.1,000/- each, in default of payment of fine to further undergo RI for 06 months each.
489-C IPC	RI for 03 years with a fine of Rs.500/- each, in default of payment of fine to further undergo RI for 03 months each.
489-D IPC	RI for 04 years with a fine of Rs.1000/- each, in default of payment of fine to further undergo RI for 06 months each.
489-E IPC	Fine of Rs.100/- each, in default of payment of fine to further undergo RI for 15 days each.
It was ordered that all the sentences shall run concurrently.	

3. The FIR (*supra*) was registered on the basis of secret information received by Inspector Balbir Singh when he was accompanied by other police officials on patrol duty at Geeta Bhagwan Chowk. On the basis of secret information, raid was conducted and appellant-Dinesh Kumar was arrested from the spot. Upon his search, two notes of denomination of Rs.100/- each of same number i.e. 8SV236292. Thereafter, appellant-Dinesh led the police party and took them to house No.173, Sector 15, Sonapat, where the other accused along with appellant were found in the process of counterfeiting. All of them were nabbed and a computer, printer, 2200 papers having portrait of Mahatma Gandhi printed, about 49 papers, in which currency notes of denomination of Rs.100/- printed on one side, rubber pieces, knives, tapes, ink, chemicals, photostate machine etc. were recovered.



4. Learned counsel for the appellants *inter alia* contends that no independent witness was joined by the police at the time of conducting raid, when recovery was effected from the appellant-Dinesh Kumar. Further, appellant-Bhagwan Kumar was only *chowkidar* employed by the office and is a quite illiterate and he has no involvement in the alleged counterfeiting of currency notes. Furthermore, no recovery has been effected from appellant-Bhagwan Kumar. Moreover, no evidence has been collected by the prosecution regarding the ownership of the said *kothi* or the tenancy therein. He submits that in the present case, the complainant is the Investigating Officer and the case should not have been investigated by him and the investigation should have been handed over to some other officer. Further, no expert was examined to prove the fact that the recovery made from the accused was of counterfeit currency notes.

5. *Per contra*, learned State counsel opposes the prayer of the appellants as the learned Court below has passed a well-reasoned judgment based on correct appreciation of evidence available on record as such, they do not deserve any leniency.

6. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that the currency notes which have been recovered bear the same serial number and the presumption can be drawn that the accused were involved in the process of counterfeiting. Further, the investigating officer has collected ample material, which clearly brings out their involvement, as 49 sheets were recovered, on which currency notes on one side had been printed and the other side was blank. Therefore, it cannot be said that the appellants were unaware about the currency notes. There was no



need for sending the notes for examination by the experts as the mere look at the exhibits Ex.P1, Ex.P2, Ex.P4, Ex.P5 and Ex.P6 to Ex.P12 show that they are counterfeit. Counterfeiting does not only mean that it should resemble. It also means intention to practice deception and knowing it likely that deception would be practised. It is not essential that the Imitation should be exact. Imitation had been made, the resemblance is very close to the original and a person could have been deceived. The fact that seven notes having the same serial number is another circumstance, which shows that there was an intention and the accused were practicing counterfeiting and they cannot get away by saying that knowledge and intention had not been proved. Recovery has been proved in the present case. There is no reason to disbelieve the statement of the official witnesses. Moreover, there is no discrepancy in the statement of witnesses, which can create dent in the prosecution case and the evidence led by the prosecution is credible, cogent and reliable. Hence, the prosecution has been able to prove its case beyond the shadow of reasonable doubt.

7. The power of the Appellate Court to unsettle the order of acquittal on the basis of re-appreciation of the evidence is subject to the settled law that where two views are possible and out of the two, one points towards the innocence of the accused, the view which favours the accused should prevail over the other pointing towards his guilt. Furthermore, the trial Court has the additional advantage of closely observing the prosecution witnesses and their demeanour, while deciding about the reliability of the version of prosecution witnesses. (See *H.D. Sundara and others vs. State of Karnataka, Criminal Appeal No.247 of 2011 decided on 26.09.2023*; *Kali Ram vs. State*



of H.P., 1973 (2) SCC 808 and Chandrappa and others vs. State of Karnataka, (2007) 4 SCC 415). A Division bench of this Court in the judgment of *State of Haryana vs. Ankit and others* passed in *CRM-A No.3 of 2022* decided on 06.07.2023 has held that presumption of innocence further gets entrenched on the acquittal of accused by the trial Court.

8. In view of the facts and circumstances of the case, this Court finds that learned legal aid counsel has failed to point out any perversity or illegality in the findings recorded by the learned trial Court, which warrants interference by this Court. As such, there is no merit in the present appeals, hence, both the appeals stand dismissed.

9. The High Court Legal Services Authority is directed to pay remuneration to the learned legal aid counsel as per rules.

10. A photocopy of this order be placed on the file of other connected case.

April 22, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No