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                                 **AT CHANDIGARH**

**CRM-A-1177-MA-2018 (O&M)**

**Date of Decision: 19.08.2025**

State of Haryana

...Appellant

Vs.

Ashok Kumar and Anr.

...Respondents

**Coram :    Hon'ble Mr. Justice N.S.Shekhawat**

Present:    Mr. B.S Saroha, DAG, Haryana.

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**N.S.Shekhawat J.**

**CRM-21664-2018**

1.                The applicant/appellant has moved the present application under Section 5 of Limitation Act for condonation of delay of 48 days in filing the present appeal.

2.                For the reasons mentioned in the application, the minimal delay of 48 days in filing the present appeal is condoned.

**Main case**

1.                The State of Haryana has filed the present application under Section 378 (3) Cr.P.C with a prayer to grant leave to appeal against the judgment of acquittal dated 18.12.2017, passed by the Court of Additional Sessions Judge, Hisar, whereby the respondents were ordered to be acquitted of the charges framed against them.

2.                Brief facts, as emanating from the case file are that at about 09.00 A.M on 26.09.2014, ASI, Ranbir Singh and other police officials were present at gate No.2, Hisar Cantt., in connection with patrolling duty and a secret informer came there and inform to the police official that a boy in white kurta payjama was having counterfeit currency notes of denomination of Rs.1000/-



each and was going to use the same. After preparing a raiding party, the raid was conducted and Ashok Kumar, respondent No.1 was apprehended. He got recovered 27 currency notes of denomination of Rs.1000/- each and the notes were sealed in a sealed parcel. The facts were mentioned on the Tehrir Ex.P-38 and the FIR was got registered. The respondent No.1 made a confessional statement and on the basis of the statement, Narender @ Pawa, respondent No.2 was also arrested. The statements of witnesses were recorded and the counterfeit currency notes were got examined from FSL, Madhuban. On completion of investigation, final report under Section 173 Cr.P.C was prepared and was handed over to the accused in the present case. The charge was ordered to be framed against the respondents, to which they pleaded not guilty and claimed trial. During the course of trial, the prosecution examined PW-1 ASI Amar Singh, PW-2 ASI Hari Kesh, PW-3 Constable Salamudin, Dev Karan Patwari as PW-4, PW-5 EHC Surender Singh, PW-6 Dr. Satish Kumar, PW-7 ASI Krishan Kumar, EASI Jagbir Singh as PW-8, PW-9 ASI Ranbir Singh, PW-10 ASI Mahender Singh, PW-11 ASI Sushil Kumar, PW-12, ASI Shiv Kumar, PW-13, Ajmer Singh and PW-14 HC Ravinder Singh to prove the case against the respondents. However, certain other witnesses were given up and the prosecution evidence was closed.

3. After closure of the prosecution evidence, the incriminating circumstances were put to the accused and they pleaded their false implication.

4. Ashok Kumar, respondent No.1 stated that he had been falsely involved in the present case. He was taken into illegal custody on 24.09.2014 from Mela Ground Area, Hisar due to altercation with ASI, Ranbir Singh and no fake currency notes were recovered from him. In defence evidence, the



accused submitted the copies of call detail record of PW-9, ASI Ranbir Singh as Ex.D1 and Ex.D2 and the defence evidence was closed.

5. Learned State counsel vehemently argued that during the course of trial, sufficient evidence was led before the Trial Court to show that the 27 counterfeit currency notes were recovered from respondent No.1. Even PW-7, ASI Krishan Kumar had clearly deposed that 27 notes of counterfeit currency were recovered from respondent No.1 and his testimony was duly corroborated by other official witnesses. He further submits that the testimonies of other official witnesses could not be brushed aside only on the ground that they were Government officials. Thus, the impugned judgment passed by the Trial Court is legally unsustainable.

6. I have heard learned State Counsel, who has made submissions on the behalf of applicant/appellant and perused the record.

7. In the present case, even though the prosecution has examined 14 prosecution witnesses, but surprisingly, no independent witness has been examined to lend credence to the case of the prosecution. Even, the recovery of counterfeit currency had taken place at a public place and the police had sufficient time to associate the witnesses from the public, but no efforts were made to associate them. This fact assumes significance in the light of the fact that the respondent No.1 has raised a specific defence that he had been falsely involved in the present case as he had an altercation with PW-9 ASI, Ranbir Singh, I.O of the present case.

8. Apart from that, the trial Court has also noticed several serious discrepancies, which had appeared in the testimonies of the star witnesses of the prosecution. PW-7, ASI Krishan Kumar stated that they went to Narnaund



firstly and then reached at the place of recovery at 03:30 P.M and remained there till 08:00 P.M. PW-9 ASI, Ranbir Singh, stated that firstly they went to Hansi and then Narnaund. PW-7, ASI Krishan Kumar and PW-9, ASI, Ranbir Singh had submitted different timings of arrest of the accused. Apart from that, there were several other serious discrepancies not only in the testimonies of PW-7, ASI Krishan Kumar and PW-9, ASI, Ranbir Singh, but the statements of PW-8 EASI Jagbir Singh and PW-12 Shiv Kumar is also highly discrepant. Thus, the trial Court has recorded detailed findings with regard to the statements of aforesaid four witnesses and there is no ground to interfere with the same.

9. Apart from that, the respondents in the present case were charged with the offence under Section 489 (C) of IPC and as per the settled law, mere possession of counterfeit currency notes is not an offence. The prosecution was under a bounden duty to prove by way of leading of unimpeachable evidence that the accused had sufficient knowledge that the currency was counterfeit and he had the intention to use the same. There are several judgments by the Hon'ble Supreme Court as well as this Court, which clearly lay down that it must be established that the accused knew that the notes were fake and he had reason to believe it to be so and that he had intended to use them as genuine. In absence of such knowledge and intention, the conviction of the accused would not sustain. Thus, the Trial Court has rightly held that the prosecution had failed to prove the guilt of the accused beyond shadow of all reasonable doubt and they have been rightly acquitted.

10. Even otherwise, it has been held by the Hon'ble Supreme Court in the matter of **"Bhaskarrao and others Vs. State of Maharashtra", 2018 AIR (Supreme Court) 2222; 2018 (5) RCR (Criminal) 228** as follows:-



*“14. As the trial court and High Court, having appreciated the evidence on record, has come to diametrically opposite conclusions, mandating herein to observe certain witness statements which may have an important bearing in this case. In the processes of appreciating the evidence at the appellate stage, we need to keep in mind the views of this court as expressed in **Tota Singh and Anr. v. State of Punjab, 1987(2) RCR (Criminal) 35 : 1987 CriLJ 974** -*

*"The High Court has not found in its judgment that the reasons given by the learned Sessions Judge for discarding the testimony of PW2 and PW6 were either unreasonable or perverse. What the High Court has done is to make an independent reappraisal of the evidence on its own and to set aside the acquittal merely on the ground that as a result of such reappraisal, the High Court was inclined to reach a conclusion different from the one recorded by the learned Sessions Judge. This Court has repeatedly pointed out that the mere fact that the Appellate Court is inclined on a reappraisal of the evidence to reach a conclusion which is at variance with the one recorded in the order of acquittal passed by the Court below will not constitute a valid and sufficient ground for setting aside the acquittal. The jurisdiction of the Appellate Court in dealing with an appeal against an order of acquittal is circumscribed by the limitation that no interference is to be made with the order of acquittal unless the approach made by the lower Court to the consideration of the evidence in the case is vitiated by some manifest illegality or the conclusion recorded by the Court below is such which could not have been possibly arrived at by any court acting reasonably and judiciously and is, therefore, liable to be characterized as perverse. Where two views are possible on an appraisal of the evidence adduced in the case and the court below has taken a view which is plausible one, the Appellate Court cannot legally interfere with an order of acquittal even if it is of*



*the opinion that the view taken by the Court below on its consideration of the evidence is erroneous."*

15. In **Ramesh Babulal Doshi v. State of Gujarat, 1997(3) RCR (Criminal) 62 : 1996 CriLJ 2867**, this Court observed:

*"This Court has repeatedly laid down that the mere fact that a view other than the one taken by the trial Court can be legitimately arrived at by the appellate Court on reappraisal of the evidence cannot constitute a valid and sufficient ground to interfere with an order of acquittal unless it comes to the conclusion that the entire approach of the trial Court in dealing with the evidence was patently illegal or the conclusions arrived at by it were wholly untenable. While sitting in judgment over an acquittal the appellate Court is first required to seek an answer to the question whether the findings of the trial Court are palpably wrong, manifestly erroneous or demonstrably unsustainable. If the appellate court answers the above question in the negative the order of acquittal is not to be disturbed."*

11. In view of the above discussion and the law laid down by the Hon'ble Supreme Court, I find no grounds to interfere with the findings recorded by the Trial Court and the impugned judgment 18.12.2017, passed by the Court of Additional Sessions Judge, Hisar, is ordered to be upheld.

12. As a consequence, the application for special leave to appeal filed by the present applicant is ordered to be dismissed being meritless.

**19.08.2025**  
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**(N.S.SHEKHAWAT)**  
**JUDGE**

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No