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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.A. 439/2016

SHAKIR ALI KHAN

.....Appellant

Through: Mr. Imran Moulaey and Mr. Javed
Mohsin, Advocates.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Ms. Shubhi Gupta, APP for State
with SI Anil PS Seemapuri, Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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12.09.2025

1. The present appeal has been filed under Section 374 Cr.P.C. by the appellant assailing the judgment of conviction dated 23.04.2016 and the order on sentence dated 28.04.2016 passed by the learned ASJ-03 (North-East), Karkardooma Courts, Delhi in Sessions Case No. 44658/2015 arising out of FIR No. 266/2008, P.S. Seema Puri. The appellant was convicted for the offence punishable under Section 489C IPC and sentenced to undergo rigorous imprisonment for a period of 3 years and 6 months along with fine of Rs.5,000/-, in default whereof to further undergo simple imprisonment for 6 months. Benefit of Section 428 Cr.P.C. was extended.

The sentence of the appellant was suspended during the pendency of the present appeal vide order dated 15.11.2017.

2. On perusal of the record it indicates that the Trial Court had framed the charge under Section 489C IPC against the appellant. The prosecution



case, in brief, was that on 09.09.2008, acting on secret information, a raiding party apprehended the appellant near DTC Bus Depot, Seema Puri, and upon search, recovered 240 counterfeit currency notes in denomination of ₹500 and 37 counterfeit notes in denomination of ₹1,000, amounting to ₹1,57,000/-. The notes were seized and, upon examination by the Nasik Currency Press, were opined to be counterfeit.

3. In support of its case, the prosecution examined eight witnesses. PW-1 Ct. Sukhbir Singh deposed about receiving the secret information, along with the seizure memos (Ex.PW1/A, Ex.PW1/B), His testimony was corroborated by PW-2 ASI Jagdish Singh and PW-3 SI Rakesh Kumar, who supported the prosecution version of the raid and recovery. PW-8 SI Shahid Khan, the Investigating Officer, proved DD No. 31A (Ex.PW8/C) recording the secret information, narrated the sequence of investigation, and placed on record the expert report of the Nasik Currency Press (Ex.PW8/D) opining the notes to be counterfeit. The remaining witnesses, namely PW-4 ASI Bijender Tomar, PW-5 HC Vineet Kumar, PW-6 ASI Arun Kumar Singh and PW-7 HC Mushtaq Ali, were formal in nature and proved the FIR and related DD entry, the forwarding and deposit of sealed parcels and the acknowledgment from Nasik Press. The appellant's statement under Section 313 Cr.P.C. was recorded, wherein he denied the allegations and claimed false implication. Further, in defence, DW-1 Ravi Prakash Mishra was examined, who sought to suggest that the appellant had been falsely implicated at the instance of co-accused *Gulzar and Abrar*, but his testimony was found to be contradictory and unsubstantiated.



4. Upon consideration of the evidence on record, the Trial Court held that the prosecution had proved beyond reasonable doubt that the appellant was found in conscious possession of a large quantity of counterfeit notes which he intended to circulate as genuine. The Court rejected the defence contention regarding contradictions in prosecution evidence as immaterial to the core issue of recovery. It further held that the expert report Ex.PW8/D from the Nasik Currency Press was admissible under Section 292 Cr.P.C., and duly established that the seized notes were counterfeit. The testimony of DW-1 was found unreliable and contradictory, particularly as he failed to produce any corroboration of his claims. Accordingly, the appellant was convicted under Section 489C IPC and sentenced as noted above.

Before this Court, learned counsel has assailed the impugned judgment contending that the police had not investigated the module as to how the appellant would have circulated the FICN. Further, no independent witnesses were examined. The contentions are specious. Even otherwise, it is noted that SI Shahid khan (PW-8) had stated that he had asked 4-5 passersby who refused to join investigation.

5. At this stage, learned counsel for the appellant, on instructions, states that having understood the consequences, the appellant does not wish to press the appeal on merits and prays that the appellant be released on the period of incarceration undergone by him. He further submits that the fine imposed by the Trial Court has already been deposited. Further it is submitted that the appellant is about 42 years of age and has no other involvements.



6. Learned APP for the State, on instructions, submits that the appellant is not involved in any other criminal case and in this regard has handed over a status report dated 12.09.2025, which is taken on record.

7. The nominal roll on record dated 28.07.2017 confirms that the fine has been deposited. As per the record, the appellant has undergone a total sentence of about 1 year and 9 months, with remission earned of about 2 months and 29 days as on 27.07.2017. His jail conduct reported to be satisfactory.

8. This Court concurs with the findings of the Trial Court in the impugned judgment and finds that no ground is made out to interfere with the same. Keeping in view the facts and circumstances, including the period of incarceration already undergone by the appellant, the deposit of fine, his satisfactory conduct, and considering his age, is of the view that the substantive sentence imposed upon the appellant be modified to the period already undergone.

9. The present appeal stands partly allowed and is disposed of in the above terms. The bail bonds furnished by the appellant stand cancelled and the surety is discharged.

10. A copy of this order be communicated to the concerned Jail Superintendent as well as to the Trial Court.

MANOJ KUMAR OHRI, J

SEPTEMBER 12, 2025/kb