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

+ **CRL.A. 990/2017**

NONUBI @ NURNABI ISLAM

.....Appellant

Through: Mr. Abdus Samad, Ms. Payel Dutta
and Ms. Zeenat, Advocates with
appellant

versus

STATE (GOVT OF NCT) DELHI

.....Respondent

Through: Ms. Shubhi Gupta, APP for State
with Ms. Yusra, Advocate with SI
Vishnu Singh PS Badarpur, Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

11.12.2025

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1. By way of present appeal, the appellant seeks to assail the judgement dated 08.09.2017 and order on sentence dated 18.09.2017 passed by ASJ-02, Saket Courts, New Delhi, in SC no. 2381/2016 arising out of FIR no. 211/2012 registered under Sections 498B/498C IPC at P.S. Badarpur, Delhi.
2. Vide order on sentence, the appellant has been directed to undergo RI for a period of 1 year alongwith fine of Rs.3,000/- for the offence punishable under Section 498-C IPC, in default thereof would further undergo SI for 6 months. The benefit of Section 428 Cr.P.C. has been provided to the appellant.

Vide order dated 30.10.2017, the sentence of the appellant was suspended during the pendency of the present appeal.

3. Briefly put, the case of the prosecution is that on 24.07.2012, SI Vikram Singh, while present in the office of the Anti-Auto Theft Staff



(AATS), received information at about 3:00PM that a person involved in selling fake currency notes would arrive at Badarpur Metro Station from Faridabad around 6:00 PM. The information was shared with the In-Charge, AATS, SED, SI Ajay Kumar Yadav, on whose directions a raiding party was constituted. SI Vikram Singh recorded the information vide DD No. 12 and, after making a departure entry vide DD No. 13 AATS/SE, proceeded to the spot along with HC Parveer Singh, HC Dinesh, Ct. Brij Pal and Ct. Varun Kumar. Upon reaching Badarpur Metro Station, 6-7 public persons were requested to join the raiding party, but they declined. SI Vikram Singh appointed Ct. Brij Pal as a decoy customer and HC Parveer Singh as a shadow witness. Ct. Brij Pal was formally searched vide memo Ex. PW-3/C and was handed over five currency notes of Rs.500 denomination signed by SI Vikram Singh, vide handing over memo, with their numbers recorded therein. Necessary instructions were given to signal after the transaction. At about 6:30 PM, the informer pointed out a person arriving from the Faridabad side, who was identified as the seller of fake currency. Ct. Brij Pal approached him and struck a deal, and after about 15 minutes gave the pre-decided signal. The said person, later identified as *Madan Chander Dass*, was apprehended. Thereafter, SI Vikram Singh prepared the *rukka*, after which the present FIR was registered. Pursuant to his disclosure statement, appellant was arrested.

4. In support of its case, the prosecution examined 11 witnesses. The material witnesses included Ct. Ravinder Giri, who was examined as PW-4, deposed regarding recovery of two bundles of currency notes of Rs.500 denomination from his possession. SI Ajay Kumar Yadav, the IO, examined



as PW-7. The remaining witnesses were formal in nature and deposed as to various aspects of the investigation.

5. A perusal of the record indicates that the prosecution has been able to prove its case against accused Nonubi @ Nurnabi beyond reasonable doubt. The testimony of PW-4, PW-6, PW-7 and PW-9 regarding the apprehension of the accused and the recovery of a large quantity of counterfeit currency notes from his conscious possession is cogent, consistent, and inspires confidence. Their version stands duly corroborated by the documentary evidence on record, including the disclosure statement, and the *malkhana* entries proving safe custody of the case property. The recovery of counterfeit currency notes from the possession of the accused stands conclusively proved, and the FSL report unequivocally confirms that the seized notes were counterfeit in nature. The defence plea of false implication has remained unsubstantiated.

Having considered the material placed on record, this Court concurs with the findings of the trial court and finds no grounds to interfere with the same as made out. Consequently, the conviction of the appellant is upheld qua the offence under Section 489-C IPC.

6. At this stage, learned counsel for the appellant, on instruction from the appellant, who is present in court, is identified by the I.O., submits that being fully aware of the consequences, does not wish to press the present appeal on merits and be released on the period already undergone by him in custody. He further submits that the fine has been paid and the receipt has been placed on record.

7. Learned APP for the State has handed over a status report which is taken on record. As per which, the appellant has no other involvements.



8. The nominal roll of the appellant reflects that the appellant's conduct in jail has been noted as satisfactory.
9. The appellant is 59 years old, the sole breadwinner of his family working as a farmer, and bears the responsibility of his wife, and two children, and the appellant has no other conviction or any pending involvement.
10. Keeping in view of the facts and circumstances noted hereinabove, the matter has been pending since 2012, the age of the appellant, the sentence already undergone and the fine having been paid, the substantive sentence of the appellant in the present appeal is hereby modified to the period already undergone by him.
11. The personal bond furnished by the appellant stands cancelled and the sureties are discharged.
12. The present appeal is partly allowed and disposed of in the above terms.
13. A copy of this order be communicated to the concerned Jail Superintendent as well as to the Trial Court.

MANOJ KUMAR OHRI, J

DECEMBER 11, 2025/dh