

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.348 of 2023

Arising Out of PS. Case No.-4 Year-2019 Thana- NIA District- Patna

Selim Sk @ Salim Sheikh @ Selim Sheikh, Son of Rejjak Sk @ Rejjak Sheikh, Resident of village - Ghoshaltola, Deonapur, P.O. - Sabdalpur, P.S. - Baishnabnagar, Distt. - Malda, State - West Bengal

... .. Appellant/s

Versus

The Union of India through National Investigation Agency, Ministry of Home Affairs, New Delhi

... .. Respondent/s

with
CRIMINAL APPEAL (DB) No. 754 of 2025
In
CRIMINAL APPEAL (SJ) No.4967 of 2024

Arising Out of PS. Case No.-4 Year-2019 Thana- NIA District- Patna

Mannalal Chaudhary @ Pannalal Chaudhary @ Sunny Ji @ Munna, S/o- Jhaguru Chaudhary @ Jhanguri Chaudhary, Resident of Village- Bagahi Nimiya Tola (Neem Ka Tola), P.S.- Bairiya, Dist- West Champaran

... .. Appellant/s

Versus

The Union of India through the Director General of the National Investigating Agency, Govt. of India, New Delhi

... .. Respondent/s

Appearance :
(In CRIMINAL APPEAL (DB) No. 348 of 2023)
For the Appellant/s : Mr. Pankaj Kumar Sinha, Adv.
Mr. Kumar Mritunjay, Adv.
For the UOI (NIA) : Mr. Dr. K.N. Singh, Sr. Adv. (ASG)
Mr. Manoj Kumar Singh, SPP (NIA)
(In CRIMINAL APPEAL (DB) No. 754 of 2025)
For the Appellant/s : Mr. Sanjeev Kumar, Adv.
For the UOI (NIA) : Mr. Dr. K.N. Singh, Sr. Adv. (ASG)
Mr. Arvind Kumar, SPP (NIA)
Mr. Shivaditya Dhari Sinha, Adv.
Mr. Paritosh Parimal, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL JUDGMENT



(Per: HONOURABLE MR. JUSTICE SHAILENDRA SINGH)

Date : 08-01-2026

As both the appeals have arisen out of the same judgment, hence, they are being decided together by a common judgment.

2. Mr. Pankaj Kumar Sinha, learned counsel for the appellant in Cr. APP(DB) No. 348/2023, Mr. Sanjeev Kumar, learned counsel for the appellant in Cr. APP(DB) No. 754/2025, and Mr. Dr. K. N. Singh, learned Additional Solicitor General (ASG), assisted by Mr. Manoj Kumar Singh and Mr. Arvind Kumar, learned Special Public Prosecutors for the NIA, are present and have been heard.

3. Both the appeals have been preferred against the judgment of conviction dated 22.02.2022, by which both the appellants, along with other co-accused Shahnawaj Shaikh @ Shahnawaj Kasuri @ Shahanoyaj Kasuri, were convicted mainly on the basis of their plea of guilty under Section 229 of the Code of Criminal Procedure (in short, 'Cr.P.C.'), and the order of sentence dated 25.02.2022, by which both the appellants were sentenced for the charged offences under Sections 489B, 489C and 120B read with Section 489B of the Indian Penal Code, 1860 (in short, 'IPC'). For the offence under Section 489B of IPC, both the appellants have been sentenced to



undergo imprisonment for eight years with a fine of Rs. 5,000/- (Rupees Five Thousand) each, and in default of payment of fine, they have been directed to further undergo simple imprisonment for one month. For the offence under Section 489C of IPC, the appellants have been sentenced to undergo imprisonment for two years. For the offence under Section 120B read with Section 489B of IPC, they have been sentenced to undergo imprisonment for eight years and also directed to pay a fine of Rs. 5,000/- (Rupees Five Thousand) each, and in default of payment of fine, they have been directed to undergo simple imprisonment for one month. All the sentences have been directed to run concurrently.

Prosecution story: -

4. The case of the prosecution, in a nutshell, is that one Nitya Nand Chauhan, SHO of Bettiah Town Police Station, received an information about the presence of a member of an inter-state racket involved in trafficking and circulation of fake Indian currency notes in Bettiah, Bihar. On the basis of this information, on 02.02.2019, a team of police personnel of Bettiah Town Police Station, led by the said SHO, arrested one person, namely, Julkar Shaikh, son of Kuddus Shaikh, resident of village Kumbhira under Police Station Baishabnagar, District



Malda, West Bengal, and also recovered fake Indian currency notes amounting to Rs. 4,00,000/- (Rupees Four Lakhs) in the denomination of Rs. 2,000/- from his possession. After the recovery and arrest of the said accused, a case was registered vide Bettiah Town P.S. Case No. 118 of 2019 for the offences under Sections 420, 489A, 489B, 489C, 120B and 34 of IPC on the complaint of the SHO of Bettiah Town Police Station. After considering the nature and gravity of the offences, the Central Government transferred the case to the National Investigation Agency (in short, 'NIA') for investigation, which was re-registered by the NIA as R.C. No. 04/2019/NIA-DLI dated 21.02.2019. After completion of the investigation, the NIA charge-sheeted the appellants and others vide charge-sheet Nos. 11-B of 2019 dated 11.06.2020 and 11-C of 2020 dated 31.12.2020. The Special Court took cognizance of the alleged offences on 21.05.2019, and on 22.02.2022, the case was taken up by the trial court for framing charges against the appellants and co-accused Shahnawaj Shaikh. Accordingly, charges were framed for the offences under Sections 489B, 489C and 120B read with Section 489B of IPC against the appellants. Both the appellants pleaded guilty to the offences charged, and consequently, they were convicted of the charged offences and



sentenced accordingly.

Submissions on behalf of the appellants :-

5. Learned counsel appearing for the appellant Mannalal Chaudhary @ Pannalal Chaudhary @ Sunny Ji @ Munna, in Cr. APP(DB) No. 754 of 2025, submits that the impugned judgment does not state the nature of the charges against the appellant and also does not disclose as to whether any recovery was made from the appellant Mannalal Chaudhary or not. The contents of the charges, which are said to have been explained to the appellant, have not been discussed in the impugned judgment. The impugned judgment does not state that the proportionality of the imprisonment was explained to the appellant when he accepted his guilt. The sentence of imprisonment awarded to the appellant is disproportionate to his conduct and, further, the trial court did not take into consideration the circumstances which might have been relevant to mitigate the quantum of punishment. On this aspect, the trial court did not apply its judicial mind. The said appellant has three sons, his wife is a housewife having no source of income, and his father is aged about 80 years, who is suffering from old-age ailments, and the appellant is the sole breadwinner of his family. The appellant wants to reform himself and become a



good and responsible citizen of this country, and in view of this reformative intention, he pleaded guilty, but the learned trial court awarded him eight years of imprisonment for the charged offences punishable under Sections 489B and 120B read with 489B of the IPC, which is at the upper end of the prescribed punishment.

6. Learned counsel for the appellant Selim SK @ Salim Sheikh @ Selim Sheikh, in Cr. APP(DB) No. 348/2023, submits that the said appellant pleaded his guilt under forced circumstances, as he saw the only hope in accepting the offer of admitting his guilt so as to end his apathy, as such, he succumbed to such an offer, which is contrary to the established principles of law. The appellant is not well-versed in the Hindi language and knows English and Bengali only, but the charges were explained to him in the Hindi language, and further, his plea of guilty was not recorded by the trial court. It is further submitted that the trial court's judgment does not depict the appellant's admission of all the relevant facts constituting the charged offences and, further, he was unable to understand the consequences of his plea of guilt. In this regard, no proper steps were taken by the trial court.



Submissions on behalf of the NIA: -

7. On the other hand, Mr. Dr. K. N. Singh, learned ASG appearing for the NIA, submits that the judgment of conviction and order of sentence awarded to the appellants are right and legal, as the learned trial court followed all the mandatory provisions of Sections 228 and 229 of the Cr.P.C. while framing the charges against the appellants and convicting and sentencing them upon acceptance of their guilt under Section 229 of the Cr.P.C.

Consideration, analysis and conclusion : -

8. We have heard both sides, perused the impugned judgment of conviction and order of sentence, and the trial court's records. The short point for consideration before us in both the appeals is the legality of the conviction of the appellants and the appropriateness of the quantum of sentence awarded to them. When an accused person pleads guilty before a court then before accepting such plea, the following essential requirements must be followed to ensure that the plea is valid. The court must act with caution and circumspection.

8.1. The first requirement is voluntariness. The plea must be made freely and not as a result of any coercion, threat, or false promise. In the instant matter, the appellants were



produced before the trial court on 22.02.2022. On that day, charges were framed against them for the offences under Sections 489B, 489C and 120B read with Section 489B of the IPC. The trial court records go to show that the said charges were read over and explained in Hindi to the appellants. The said fact was also recorded by the trial court in the order-sheet dated 22.02.2022. Neither before the trial court nor before this Court the appellants have shown any convincing material or circumstances to prove that they pleaded guilty under any coercion, threat, or false promise.

8.2. Here, it is important to mention that before pleading guilty, the appellant Mannalal Chaudhary wrote his confession in the Hindi language in typed form and sent the same to the trial court through the Jail Superintendent, Adarsh Central Jail, Beur, Patna, on 22.01.2022, and a similar confession was made by the other appellant, namely, Selim SK, which was received by the trial court on 24.01.2022. As the appellants were not being represented by their advocates at that time, the learned trial court provided them legal services through the Panel Advocate of the District Legal Services Authority to represent them. At the request of the appellants, the trial court fixed their case for hearing on their confession



petitions as well as for framing of charges, and that order was passed on 16.02.2022. Thereafter, the case of the appellants was taken up on 22.02.2022, and on that day, the charges were framed against them. Between 16.02.2022 and 22.02.2022, there was sufficient time for the appellants to reconsider their decision to confess, but they remained firm in their decision.

8.3. The appellant Mannalal Chaudhary has also faced trial in another Sessions Trial No. 06 of 2019 at Kolkata for the same kind of alleged offences, in which he also pleaded guilty and was accordingly convicted and sentenced to undergo rigorous imprisonment for six years, with a fine of Rs. 2,000/- for the offence under Sections 489B/120B of IPC, and also sentenced to undergo rigorous imprisonment for two years, with a fine of Rs. 2,000/- for the offence under Sections 489C/120B of IPC. That conviction was recorded on 15.03.2024, after the conviction in the present matter. This fact shows that the said appellant is a habitual offender of committing the offences relating to fake Indian currency notes, and his repeated pleading of guilty shows his voluntariness in making such pleas.

8.4. The appellant Selim SK, who also sent his confession to the trial court through the Jail Superintendent, Adarsh Central Jail, Beur, Patna, made his signature in the



English language on his typed confession, and during the course of hearing before this Court, his learned counsel has revealed that he knows English. The charges were framed against the said appellant in English language, therefore, it cannot be deemed that he could not have understood those charges. Further, the trial court mentioned in the impugned judgment that the appellants were given sufficient time to rethink and were explained all the consequences of their pleading of guilty, but they “unmistakably, unequivocally and without any reservation whatsoever have admitted to the fact that they are responsible for the offences with which they are being charged and they are also fully aware of the consequences of their pleading of guilty,” and they have repeatedly prayed for leniency of the court. The said observation made by the trial court is sufficient to show and prove that both the appellants pleaded their guilt voluntarily.

8.5. The second requirement is that the accused must fully understand the nature of the charges and the essential elements of the offence they are admitting to, and the consequences of the plea.

8.6. The third key requirement is that the plea must be clear, plain, and an unqualified admission of guilt.

8.7. The fourth requirement is that the court must be



satisfied that the admitted facts actually support the legal elements of the offence.

8.8. The fifth requirement is that the accused, while pleading guilty, must be mentally competent to understand the proceedings and that the proper procedure prescribed by law has been followed by the trial court.

9. In the present matter, in view of the aforesaid circumstances under which the appellants pleaded their guilt, the satisfaction of the trial court recorded in the impugned judgment, the contents of the charges, and the trial court's judicial approach while framing the charges and explaining the same to the appellants are sufficient to draw the inference that both the appellants had fully understood the nature of the charges framed against them and the consequences of their plea of guilty, and their plea was a clear and unqualified admission of guilt. The procedure mentioned in Section 228 of the Cr.P.C., as well as the provisions of Sections 228 and 229 of the Cr.P.C., appear to have been followed by the learned trial court while framing the charges and accepting the appellants' plea of guilty.

9.1. So far as the circumstances stated above by the appellants' counsels, which according to them were mitigating circumstances warranting punishment of imprisonment at the



lower end, are concerned, we are of the view that although the learned trial court has not mentioned the said mitigating circumstances in the impugned judgment, however, in view of the nature of the charged offences as well as the maximum punishment of imprisonment prescribed for the charged offences, the punishment of imprisonment for eight years awarded to the appellants appears to be proportionate to the nature and gravity of the offences committed by them. There is no illegality or infirmity in the impugned judgment and order. We find no merit in both the appeals, accordingly, they stand dismissed.

(Rajeev Ranjan Prasad, J)

(Shailendra Singh, J)

annu/-

AFR/NAFR	AFR
CAV DATE	NA
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