

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.31 of 2016

Arising Out of PS. Case No.-185 Year-2012 Thana- JOKIHAT District- Araria

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Quamrul Hoda @ Kamrul Hoda @ Munna Don son of Late Helaluddin,
Resident of village- Kashi Bari, P.S.- Jokihat, Dist- Araria

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant : Mr. Ramesh Kumar Singh, Advocate
For the State : Mr. Binod Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT

Date : 23-06-2026

Heard learned counsel appearing for the appellant and
learned Additional Public Prosecutors appearing for the State.

2. This appeal has been filed challenging the
judgment of conviction dated 14.12.2015 and order of sentence
dated 15.12.2015 passed by the learned 1st Additional Sessions
Judge, Araria in Sessions Trial Nos. 254/1065/1213 of
2013/Trial No. 59 of 2015 whereby and whereunder this
appellant has been convicted for committing offence under
Sections 489B and 489C of the Indian Penal Code and Sections
25(1-b)a and 26 of the Arms Act has been sentenced to undergo
rigorous imprisonment for ten years and pay a fine of Rs.



20,000/- for committing offence under Section 489B of the Indian Penal Code; to undergo rigorous imprisonment for seven years and pay a fine of Rs. 10,000/- for committing offence under Section 489C of the Indian Penal Code; to undergo rigorous imprisonment for three years and pay a fine of Rs. 2,000/- for committing offence under Section 25(1-b)a of the Arms Act and to undergo rigorous imprisonment for two years and pay a fine of Rs. 1,000/- for committing offence under Section 26(1) of the Arms Act. In case of default of fine, to further undergo simple imprisonment for a period of one year. All sentences have been directed to run concurrently.

3. The prosecution case, in brief, is that in a different case, bearing Palasi P.S. Case No. 57 of 2012, some accused were apprehended with fake currency notes and on their disclosure, a raid was conducted and from the drawer of the counter-table of shop of this appellant, five live cartridges and cash of Rs. 37,290/- were recovered out of which two currency notes of Rs. 1,000/- denomination, four currency notes of Rs. 500/- denomination and seven currency notes of Rs. 100/- denomination were found to be fake.

4. In this case, in order to bring home guilt of the accused, the prosecution has examined altogether 16 witnesses



i.e., P.W. 1, namely Ram Bilash Singh; P.W. 2, namely Gopal Lal; P.W. 3, namely Firoz Alam; P.W. 4, namely Ram Tavakya Paswan; P.W. 5, namely Mithilesh Kumar; P.W. 6, namely Nitya Nand; P.W. 7, namely Tarkeshwar Prasad Singh (informant); P.W. 8, namely Barun Kumar Goswami (Investigating Officer); P.W. 9, namely Narayan Singh; P.W. 10, namely Rajendra Chaudhary; P.W. 11, namely Ashok Kumar Sah; P.W. 12, namely Tanbir Hussain; P.W. 13, namely Musfil; P.W. 14, namely Prashant Kumar; P.W. 15, namely Shiv Shankar Kumar and P.W. 16, namely Aditya Kumar.

5. It is admitted position that no live cartridge or currency notes were recovered from physical possession of this appellant. Appellant is owner of a hardware shop and the said fake currencies were recovered from the cash counter of the shop in which the money which was received from the customers was kept.

6. Taking into account all the relevant facts of the case and the rival submissions advanced on behalf of the parties, I do not find any merit in the case of the accused-appellant. There are sufficient material against he appellant to prove his guilt and, therefore, there is no need to interfere into the impugned judgment of conviction. The prosecution has proved its case



beyond reasonable doubt and accordingly, the impugned judgment of conviction dated 14.12.2015 is upheld.

7. However, under Sections 489B and 489C of the Indian Penal Code, while the maximum period of sentence is ten years and seven years, respectively, there is no minimum sentence. Keeping in view the age, the fact that the incident is of the year 2012 and the fact that there is no complaint against this appellant after institution of the present F.I.R., I feel that end of justice would be met if the sentence is reduced to the period already undergone.

8. Accordingly, the order of sentence dated 15.12.2015 passed by the learned 1st Additional Sessions Judge, Araria in Sessions Trial Nos. 254/1065/1213 of 2013/Trial No. 59 of 2015 in connection with Jokihat P.S. Case No. 185 of 2012 is modified and the sentence awarded to this appellant, above named, is reduced that to the period he has already undergone.

9. In that view of the matter, appellant, above named, is discharged from the liability of the bail bonds in connection with this case.

10. Accordingly, this appeal stands disposed of.

11. Interlocutory application/s, if any, also stands



disposed off.

(Prabhat Kumar Singh, J)

shashank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.06.2026
Transmission Date	25.06.2026

