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CRL A No. 484 & 485 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL A No. 484 of 2016

and

CRL A No. 445 OF 2016

CRL A No. 484 of 2016

State Rep. By
The Public Prosecutor,
High Court, Madras,
[CB CID, Vellore,
Cr.No. 1/2004.]

..Appellant(s)

Vs

Muthuraman

..Respondent(s)

CRL A No. 445 of 2016

State Rep By
The Public Prosecutor,
High Court, Madras,
[CB CID, Vellore
Cr.No. 1/2004.]

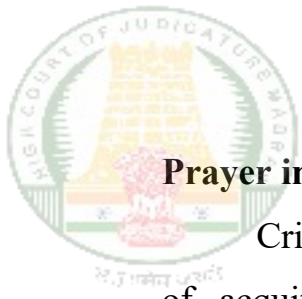
..Appellant(s)

Vs

1. Elangovan

2. S.Sampath

..Respondent(s)

**Prayer in CRL A No. 484 of 2016**

Criminal Appeal filed under Section 378 Cr.P.C. to set aside the judgment of acquittal of the respondent/accused (A-1) passed in SC.No.355/2007 (Common Judgment passed in SC.Nos.125/2007 & 355/2007), dated 12.03.2014 by the Assistant Sessions Court, Ranipet, Vellore District and convict the respondent/accused (A-1) for the charges framed against him in accordance with law.

Prayer in CRL A No. 445 of 2016

Criminal Appeal filed under Section 378 Cr.P.C. to set aside the judgment of acquittal of the respondents/accused (A-2 & A3) passed in SC.No.125/2007 (Common Judgment passed in SC.Nos.125/2007 & 355/2007), dated 12.03.2014 by the Assistant Sessions Court, Ranipet, Vellore District and convict the respondents/accused (A-2 & A-3) for the charges framed against them in accordance with law.

For Appellant(s): Mr.L.Baskaran, Govt. Advocate (Crl. Side)

For Respondent(s): Mr.Agilesh Kumar,
for M/s.K.Munusamy

Common Judgment

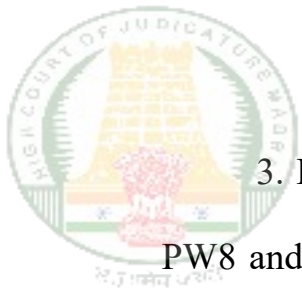
These Criminal Appeals have been preferred challenging the judgment of acquittal passed by the learned Assistant Sessions Court, Ranipet, Vellore District in SC.Nos.125 of 2007 & 355 of 2007, whereby the respondents/accused were acquitted of the charges under Sections 489-A, 489-B, 489-C, 489-D and 120-B of the Indian Penal Code.



2.a) The case of the prosecution is that on 09.04.2004 at about 7.00 hours, at the New Bus Stand, Ranipet Walajah Taluk, Vellore District, PW1 along with the Police party, secured the first accused, who was found in possession of 100 numbers of counterfeit currency notes of Rs.100/- denomination bearing same serial No. 9DN 468184. The said notes were seized under the cover of a mahazar in the presence of witnesses and an FIR was registered in Crime No.1 of 2012. After recording the confession statement of the first accused, he was arrested at 07.30 hours and remanded to judicial custody.

b) Based on the confession statement of the first accused, second accused was arrested on the same day at about 11.00 a.m. After recording his confession statement, PW1 allegedly seized 100 numbers of fake currency notes of Rs.100/- denomination bearing the same serial number 6HN 869059. Thereafter, he was remanded to judicial custody. Based on the confession statement of the second accused, PW1 had seized 165 numbers of counterfeit currency of Rs.100/- denomination from second accused, out of which 133 notes were all having same serial number of 3DG 478441 and 32 numbers were having the same serial number of 6HN 869059.

c) On the basis of the confession statement of second accused, third accused was arrested at 13.00 hours, from whom 35 numbers of counterfeit currency notes of Rs.100/- denomination bearing the same serial number 9DN 468184 were seized. After completion of investigation, the Police filed a final report and the same was taken cognizance by the Trial Court.



3. In order to substantiate the charges, the prosecution examined PW1 to PW8 and marked Exs.P1 to P117, besides producing material objects MO.1 to MO.20. On the side of the accused, no witnesses were examined and no documents were marked before the Trial Court to disprove the charges. On perusal of the oral and documentary evidence, the Trial Court found that the accused not guilty and acquitted them from all the charges. Aggrieved by the same, the present appeals have been filed.

4. The learned Government Advocate (Crl. Side) submitted that the Trial Court erred in acquitting the accused on the ground that the seizure of counterfeit currency notes was not proved beyond reasonable doubt. According to him, the mahazar witnesses supported the case of the prosecution regarding the seizure and their evidence was corroborated by the testimony of the Investigating Officer. Further, the particulars of the place from which the seizure was effected, i.e., where it was, how many rooms in the quarters, etc., are not material thing for the purpose of seizure of counterfeit notes and hence, those things will not discredit the case of the prosecution.

5. The learned Government Advocate (Crl. Side) further submitted that the apparatus used for preparation of counterfeit notes and xerox machines were recovered from which place is not proved beyond reasonable doubt and it cannot be a ground to acquit the accused.



6. Per contra, the learned counsel appearing for the respondents submitted that the prosecution failed to prove the charges in accordance with law. There are contradictions and discrepancies between the witnesses and also the prosecution even failed to prove the recovery. Further, only on the strength of confession statements, accused persons were arrested and the alleged recovery were made. When the prosecution failed to prove the recovery, it is not the basis for conviction. Therefore, the Trial Court rightly acquitted the accused and it does not warrant any interference of this Court. In support of his contention, he relied on the judgment of the Hon'ble Supreme Court in ***Chandrappa and others vs. State of Karnataka*** reported in (2007) 4 Supreme Court Cases 415.

7. On perusal of the records and the submissions made by the either counsel, reveals that there are three accused in this case and they are arrayed as A1 to A3. PW1 arrested the first accused on 09.04.2004 at about 7.00 a.m., alleging he was found in possession of 100 numbers of counterfeit currency notes of Rs.100/- denomination. The counterfeit notes were seized under cover of mahazar in the presence of witnesses. On the basis of the confession statement of the first accused, the second accused was arrested on the same day at about 11.00 hours. After recording his confession statement, 165 numbers of fake currency notes of Rs.100/- denomination were alleged to be seized from the second accused. On the strength of the confession statement of the second



accused, third accused was arrested at about 13.00 hours alleging 35 numbers of counterfeit currency notes of Rs.100/- denomination were seized from him.

However, the prosecution failed to prove the recovery of the counterfeit notes from the accused in the manner known to law.

8. One of the Mahazar witnesses was examined as PW2. Initially, he deposed that counterfeit notes were seized from the accused and they were marked as M.Os. before the Trial Court. However, during his cross examination, he deposed that it was informed to him that the counterfeit notes were recovered from the pant pocket of the first accused, but he did not see whether it was recovered from the first accused or not. Further, the counterfeit notes were allegedly packed with white sheet. However, the said white sheet was not recovered and it was not shown in the Mahazar. This aspect was categorically admitted by the Investigating Officer, who has deposed as PW1. Thus, the prosecution failed to prove that the counterfeit notes were actually recovered from the accused.

9. In ***Chandrappa and others vs. State of Karnataka*** reported in (2007) 4 Supreme Court Cases 415, the Hon'ble Supreme Court held that as follows:

“42. From the above decisions, in our considered view, the following general principles regarding powers of appellate Court while dealing with an appeal against an order of acquittal emerge;



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(1) An appellate Court has full power to review, reappreciate and reconsider the evidence upon which the order of acquittal is founded;

(2) The Code of Criminal Procedure, 1973 puts no limitation, restriction or condition on exercise of such power and an appellate Court on the evidence before it may reach its own conclusion, both on questions of fact and of law;

(3) Various expressions, such as, 'substantial and compelling reasons', 'good and sufficient grounds', 'very strong circumstances', 'distorted conclusions', 'glaring mistakes', etc. are not intended to curtail extensive powers of an appellate Court in an appeal against acquittal. Such phraseologies are more in the nature of 'flourishes of language' to emphasize the reluctance of an appellate Court to interfere with acquittal than to curtail the power of the Court to review the evidence and to come to its own conclusion.

(4) An appellate Court, however, must bear in mind that in case of acquittal, there is double presumption in favour of the accused. Firstly, the presumption of innocence available to him under the fundamental principle of criminal jurisprudence that every person shall be presumed to be innocent unless he is proved guilty by a competent court of law. Secondly, the accused having secured his acquittal, the presumption of his innocence is further reinforced, reaffirmed and strengthened by the trial court.

(5) If two reasonable conclusions are possible on the basis of the evidence on record, the appellate court should not disturb the finding of acquittal recorded by the trial court.”



10. Applying the above principle to the case on hand, this Court is of the considered view that the order of acquittal passed by the Trial Court does not warrant interference. The Trial Court, upon proper appreciation of the evidence available on record, has extended the benefit of doubt to the accused and held that the prosecution failed to establish the alleged recovery of counterfeit currency notes in the manner known to law. In the absence of satisfactory proof regarding the recovery, the accused cannot be convicted solely on the basis of their alleged confession statements. Therefore, the conclusion reached by the Trial Court cannot be said to be either perverse or illegal.

11. It is well settled that an order of acquittal further strengthens the presumption of innocence in favour of the accused. While considering the appeal against the order of acquittal, this Court is empowered to reappreciate both oral and documentary evidence on record. However, the scope of such reappreciation is limited to examining whether the view taken by the Trial Court is a possible and reasonable view based on the evidence available. If the view taken by the Trial Court is a plausible one, the order of acquittal cannot be interfered with merely on the ground that another view is also possible. Interference would be justified only when this Court arrives at the conclusion that the evidence on record leads to the sole and irresistible conclusion for the guilt of the accused has been proved beyond reasonable doubt and that the findings of the Trial Court are manifestly erroneous or perverse.



12. In the present case, upon reappreciation of the evidence, this Court finds that the view taken by the Trial Court is a possible and reasonable one. Hence, this Court finds no infirmity or illegality in the judgment of the Trial Court. Accordingly, the appeals fail and are dismissed.

11-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
PVS

To
1. The Assistant Sessions Court,
Ranipet, Vellore District

2. The Public Prosecutor,
High Court, Madras



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G.K.ILANTHIRAIYAN J.

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