IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-06-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL A No. 640 of 2017

Inspector of Police,
CBI:EOU-VI: New Delhi,
RC 8(E)/2006 CBI: EOU-VI: New Delhi

..Appellant(s)

Vs

K.M. Abdullah @ Abdul Aziz @
Abdullah Mohammed @ Nagamuthu
Samidurai, K.M. House, Kazi Lane, Kasargod,
Kerala.

..Respondent(s)

Prayer: Criminal Appeal filed under Section 378 (2) of the Code of Criminal Procedure to call for the records in S.C.No.121 of 2012 on the file of the learned XVII Additional Sessions Judge, Chennai dated 12.12.2014 and set aside the same and to punish the accused.

For Appellant(s):	Mr.K.Srinivasan Special Public Prosecutor for CBI Cases
For Respondent(s):	Mr. V.Sivalingam

JUDGMENT

This Criminal Appeal has been preferred as against the Judgment passed in S.C.No.121 of 2012 by the learned XVII Additional Sessions Judge, Chennai dated 12.12.2014 [committed by the learned Chief Metropolitan

Magistrate, Egmore, Chennai – 600 008 in P.R.C.No.60 of 2012 in CBI: EOU-VI, New Delhi], thereby acquitted the accused from the charges under Sections 120(b) r/w 489 (b) and 489 (c), 467, 468 and 471 IPC and Under Section 12(1)(d) of Indian Passport Act, 1967.

2. The case of the prosecution is that one Rafeeq Mohammed, A.P.Abdul Nassar, S.Dhanushu and their associates were circulating fake Indian currency notes in India and abroad. On 27.10.2006, at Chennai International Airport, an amount of Rs.29,53,500/- was seized from the said Rafeeq Mohammed when he arrived from Colombo and a sum of Rs.10,52,500/- and a sum of Rs.51,000/- were recovered from the two residential premises of Abdul Nassar, situated at Alappakkam, Chennai and another at Asthalaxmi Nagar, Chennai. Further, an amount of Rs.9,000/- was seized from the residential premises of S.Dhanushu at Chennai, out of the seized amount, only a sum of Rs.51,500/- are genuine Indian Currency Notes. The rest of the amount, Rs.40,15,000/- are fake Indian Currency Notes. On investigation, it revealed that the accused in this case, K.M.Abdullah @ Abdul Aziz @ Abdullah Mohammed @ Nagamuthu Samidurai also involved in the circulation of Fake Indian Currency Notes into India in association with the accused Moideen Kunhil Mohammed, Bazeer Javagar Hussain, Abdulla Hazi and Shaikh Abdul Kadar. The said K.M.Abdullah @ Adbul Haziz @ Abdullah

Mohammed @ Nagamuthu Samidurai sent a consignment of Rs.25 Lakhs out of which, Rs.10 Lakh Fake Indian Currency Notes were recovered by DRI from the house of the accused Abdul Nassar at Chennai. On the directions of K.M.Abdulla, for the purpose of bringing fake Indian Currency notes from Colombo to India, on 26.12.2006, Abdul Nassar arranged air tickets for Rafeeq Mohammed and Bazeer Javagar Hussain for travelling from Chennai to Colombo. The accused, viz., K.M.Abdullah, an Indian national was staying in Dubai fraudulently by securing the passport, which was belonged to one Samidurai Nagamuthu and affixed his own photograph on the said passport and by using the said passport, he travelled from Abudhabi to Bangkok. The CID Colombo, Sri Lanka arrested 4 Sri Lankan nationals on 10.12.2006 and this accused on 11.12.2006 in connection with the recovery of fake Indian currency notes worth Rs.2.67 Crores. Moreover, 3 Fake Indian Currency Notes of Rs.1000/- denomination and 12 Fake Indian Currency Notes of Rs.500/- denomination were seized from the accused. On the strength of the Non-bailable warrant, the accused was arrested at Colombo airport on 12.05.2007 and brought to Chennai and remanded to judicial custody. In order to bring the charges to home, the prosecution had examined witnesses P.W.1 to P.W.6 and marked Exhibits P.1 to P.20 and on the side of the accused, no witnesses were examined and no documents were marked in order to disprove the charges. On perusing the entire documents, witnesses and the exhibits, the trial court found the petitioner not guilty and acquitted him from all the charges. Aggrieved by the same, the present appeal has been filed by the prosecution.

3. The learned Special Public Prosecutor for CBI Cases appearing for the appellant would submit that the prosecution had categorically proved that in the passport of P.W.2, the photograph of the passport holder was not affixed and the said fact was proved by P.W.2 and his wife P.W.1. The handwriting expert was examined as P.W.3 and he also categorically deposed that the signature of P.W.2 was forged. He would further submit that P.W.4 deposed that the passport was issued in the name of P.W.2 and photograph affixed in the passport does not belong to the said Samidurai. Further, the original passport was issued in the name of P.W.2 by the Government of India and the same was forged and used by the accused. Insofar as the cash is concerned, opinion of the Expert Currency Notes Press, Nasik was produced before the trial court and the Expert was also examined to prove fake Indian Currency Notes recovered from the accused were counterfeit. As far as fake passport is concerned, the examination of P.W.1 and P.W.2 clearly shows that the passport belongs to P.W.2, even then, the trial court mechanically acquitted the accused.

4. Heard the learned Special Public Prosecutor for CBI cases appearing for the appellant and the learned counsel appearing for the respondent and perused the entire documents placed on record.

5. On a perusal of the records and also on hearing the submissions on either side, it reveals that the first charge levelled against the accused is that the accused conspired with other persons to circulate counterfeit Indian currency notes into India and abroad. Further, they were in possession of counterfeit Indian Currency notes and used as a genuine one, however, even according to the case of the prosecution, the accused were arrested by the Srilankan Police, thereafter, the charge sheet was filed for the other accused before the High Court of Srilanka. The offence took place in Srilanka and it is not explained why the appellant alone was charge sheeted in India. Further, the prosecution also failed to explain and establish that the accused was required in any other offences committed in India. The investigation officer deposed that he received information from the police station from Srilanka having detected 75 notes of 500 denomination of Indian currency on 09.12.2006, however, he did not recover anything from the accused and he went to Atlantic Hotel at Srilanka, where the accused was staying. Thereafter, he went to the room of the accused and made a search. During the said search, he found Indian Currency of eighteen numbers of 500 rupee notes

and three numbers of 1,000/- rupee notes , however, these counterfeit notes were not seized in the presence of any independent witnesses. That apart, no counterfeit notes were recovered at the time of arresting the accused. In the cross examination, the Investigation Officer deposed that he recovered 23 numbers of fake Indian 1,000/- Rupee notes and 52 numbers of fake 500 Indian Currency notes. Further, prosecution also failed to prove the seizure by any mahazar witnesses and the prosecution also failed to prove that the accused was staying in the hotel, in which the Investigation Officer had allegedly seized the Indian currency. Therefore, the prosecution failed to prove the possession of counterfeit notes from the accused.

6. In so far as charges levelled against the appellant are concerned, the appellant was charged with allegation that he is using counterfeit notes as a genuine one and using the passport, which was fraudulently secured from one Nagamuthu Samidurai and substituted his photograph on the passport and using the same, travelled from Abudabi to Hangkok under the fake name of Nagamuthu Samidurai. In order to prove the case, the prosecution had examined P.Ws.1 and 2 and they deposed about the missing passport of P.W.2. P.W.2 deposed that the passport was lost at Dubai, however, the prosecution failed to prove that P.W.2, lost his passport at Dubai and there is no proof to show that P.W.2 was employed at Dubai. Further, no complaint

was given for the missing of passport. That apart, there is a contradiction between the evidences of P.Ws.1 and 2. The said offence alleged to have been committed at Srilanka and the accused was brought to India for some other offences, which is not explained by the prosecution. Further, in order to file a final report, permission was not obtained from the Government of India till the retirement of the Investigation Officer. Also, the sanction was granted on 04.07.2007 and thereafter, a charge sheet was laid on 10.07.2007, therefore, admittedly, the charge sheet has been laid after retirement of the Investigation Officer.

In view of the above, the prosecution failed to prove the charges and the trial court rightly acquitted the accused and hence this Court finds no infirmity or illegality in the Judgment passed by the trial court in S.C.No.121 of 2012 dated 12.12.2014 and the present appeal is dismissed.

19-06-2026

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

To

1. The XVII Additional Sessions Judge,
   Chennai
2. The Public Prosecutor,
   High Court, Madras

G.K.ILANTHIRAIYAN, J.

ssd

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