

**IN THE COURT OF ADDL.DISTRICT & SESSIONS JUDGE-I
AIZAWL JUDICIAL DISTRICT, AIZAWL**

***Sc No.121/2013,
A/o Crl.Tr.No.987/2013,Kulikawn P.S Case No.67/2013
U/S 489'B'/489'C' IPC***

State of Mizoram	:	Complainant
	Vrs	
Ginlala	:	Accused

**BEFORE
Vanlalmawia
Addl.District & Sessions Judge-I
PRESENT**

For the opposite party	:	R.Lalremruata, Addl.PP Lily Parmawii Hmar, APP
For the Accused	:	Lalramhluna & Thangkanglova, Advocate
Date of order	:	21.7.2015

ORDER

The prosecution story of the case is that on 30.5.2013 @ 2:00 pm Lalrinliana, Branch Manager, Mizoram co-operative Apex Bank Ltd. Cooperative Centenary Branch, Mission Veng, Aizawl submitted a written complainant stating that on 30.5.2013 R.Lalrinliana Dam Veng Aizawl deposited Rs.5,000/- of Rs.500/- denomination to their Bank which are suspicious to be fake currency. Hence Kulikawn P/S Case No.67/2013 dt.30.5.2013 u/s 489'B'/489'C' IPC is registered and investigated into.

During the course of investigation, it has been remanded such suspicious fake currency are obtained by the depositor R.Lalramliana from his brother ii-law

Lalsawmliana SDAO Agriculture Department Bilkhawthlir who received them from their Department cashier Lalliankimi who drew them from SBI Kolasib Branch on 24.5.2013 for the payment of GPF(NRN) in respect of Lalsawmliana SDAO. Lalsawmliana paid Rs.15,000/- to his brother-in-law R.Lalramliana from the fake currency he received from their cashier and that money is deposited to MCAB Mission veng Branch Aizawl.

In this regard, investigation was giving on and remanded that one Ginlala was arrested in connection with Kolasib C/No.30/2013 U/S 489'B'/489'C' IPC and interrogation and examination were conducted over the deposition of fake currency and Ginlalawas accused of committing this crime. So, his statement was recorded at District Jail Kolasib and he admitted all the accusation and disclosed that he deposited such fake currency through Niangneuvi Rengtekawn and Khualzagova of Khuangpuilam Kolasib. Therefore, he was arrested and sent to judicial custody after his statement was recorded in which he said he deposited Rs.15,000/- to the account of Thangvela Rengtekawn Kolasib in which Rs.30,000/- Fake currency was deposited and in the next deposition Rs.90,000/- was deposited total amount of Kamlalmawia Khuangpuilam Kolasib in cash Rs.20,000/- of fake currency was deposited. Also he hired two persons viz. Niangneuvi and Khualzagova both of Khuangpuilam and paid Rs.2,000/- and Rs.1000/- respectively for depositing this money.

On 25.5.2013, Ginlala tried to deposit Rs.1,00,000/- to the same bank through Khualzagova in which Rs.50,000/- fake currency was included. But at this time the staff of SBI Kolasib revealed that they were fake currency. So, Ginlala was arrested in connection with Kolasib P.S C/No.30/2013 dt.25.11.2013 u.s 489'B'/489'C' IPC.

During investigation, statements of the following persons were recorded after examination 1) R.Lalramliana, 2) Hmangaihzuali 3) Lalsawmliana 4)H.Khangsai 5) Lalliankimi 6) Hmangaihzuali 7) Lalzirliana. Also, Rs.5000/- fake currency was seized and forwarded to FSL New Capital Complex Aizawl for examination to ascertain its authority that proved that they are fake currency notes.

Therefore, during this investigation, it has been found that this fake currency come from SBI Kolasib Branch through Lalsawmliana who received them for payment of the withdrawal of his GPF(NRW) after SBI Kolasib Branch received them from the deposition of Ginlala knowing that they were fake currency. So, he is accused of possessing and depositing Rs.500/- fake currency to the SBI Kolasib Branch.

Therefore, a prima facie case is found well established against the accused Ginlala S/o Sawimanga of Tuaitingmun, Churachanpur Manipur P/A Khuangpuilam Kolasib.

Charge u/s 489'B' IPC is framed, read over, and explain in the language known to accused Ginlala, to which he pleaded not guilty, and claim for trial. During the trial, the prosecution examined 3(three) witness out of 12(twelve) listed prosecution witnesses.

P.W No.2, Rosangluaia stated that I am working as AG-II, Apex Bank Centenary Branch Mission veng. On 30th May 2013 one person name R.Lalremliana came to the Branch to deposit cash amounting to Rs.5000/- and the cashier who received the said amount was Smt. Hmangaihzuali and she detected and found some fake currency from the said amount deposited by R.Lalremliana and informed the matter to the Manager. I along with Benjamin L.Chhangte went to Kulikawn P.S and submitted FIR .The Police came to our office and seized the cash and I was present at that time and I put my signature and the seizure memo

Exbt P. 1 : is the property search and seizure form. P 1(a) is my signature

Cross examination by the Defence counsel:

It is a fact that I have never seen the accused and I also do not identify him in the court today.

It is a fact that no fake currency was seized from the possession of the accused person.

As far as I know I did not know the involvement of the accused in the present case.

The fake currency in the present case was seized from the possession R.Lalremliana and not the accused. I also do not know any past criminal record against the accused.

It is not a fact that Exbt P 1 is false, and Exbt P 1 (a) is not my signature.

P.W No.5 Mary Lalziki FSL stated that I am working as Junior Scientific Officer, FSL, Aizawl since 2009 till date.

On 11.October 2013, H.Sangchungnunga, Joint Director FSL Aizawl had received Kulikawn P.S Case No.67/13 dated 30th May 2013, from O/C Kulikawn P.S for examination of suspected fake Indian currency notes 10 nos of Rs.500/- denominations. H.Sangchungnunga, Joint Director, FSL Aizawl endorsed the above mentioned case to me and R.Vanlalkima Asst. Director, FSL, Aizawl for further examination.

Accordingly we carefully and thoroughly examined 10 nos of suspected fake Indian currency notes of Rs.500/- denominations and after comparing with the same genuine notes of Rs.500/- with the help of scientific equipments by using docu-center and magnifier, we have found that the 10 nos of suspected

fake Indian currency notes of Rs.500/- denominations which were marked here as Q 1 to Q 10 were found to be not genuine, but counterfeit/fake notes.

Exbt P-2 is the examination report Memo no D/652/KLK-PS/2013 Dt.11.10.2013.

Exbt P-2(a) is my signature.

Exbt P-3 is the reason for opinion No FSL/493/D(Azl)-50/2013 Dt.19.11.2013.

Exbt P-3(a) is my signature.

Cross examination by the Defence counsel:

It is a fact that I am presently working under the Home Department Government of Mizoram.

It is also a fact that the Police Department i.e Prosecution Department in the present case is also under the same Home Department.

It is a fact that I am not authorize/accepted scientific expert under section 293 Cr.P.C to conduct Scientific examination of the S/A.

It is a fact that I do not find sample a seal enclosed along with the S/A to the FSL in the case record today and I also do not find copy of forwarding letters send to the FSL along with the S/A in the case record today.

It is not a fact that exbt P-2 and P-3 are false and exbt P-2(a) and P-3(a) are not my signatures.

P.W No.10 Hmangaihzuali stated I working Mizoram Co-operative Appex Bank, Centenary Branch Mission veng, Aizawl.

On 30.5.2013 when I was on duty Lalremliana deposited fake currency 500 Rupees note ten numbers. We reported the matter to the Kulikawn Police and the Police came and seized the said fake currency.

Cross examination by D/L :

It is a fact that I have never seen the accused appearing before the court today.

It is also a fact that the accused did not deposit any fake currency in the Centenary Branch of Appex Bank, Mission veng.

It is also fact that I did not see any fake currency in the possession of the accused.

I do not know whether Lalremliana was arrested by the Police personnel.

I did not know whether the seized Article(Fake currency) were packed and seal by the seizing party and I also did not know whether I put my signature on the S/A or on the seizure memo.

I do not have any document or signature exhibited before the court today.

Accused Ginlala was examined u/.s 313 Cr.PC and answered the question put to him as followed :

It is from the evidence that the seized currency notes Rs.500/- denominations are fake notes. What do you say ?

Ans : Some of currency are fake and some are genuine notes.

Q.2. It is from the record that the said fake currency notes were deposited by you at Kolasib S.B.I to the account of Pu Thangvela. What do you say ?

Ans : No, they are deposited by Niangneuvi as directed by Pa Ruma. Pa Ruma is my acquaintance.

Mr.C.Zoramchhana, Advocate Id. counsel for the accused submitted W/A on the following stating that the accused person was arrested on 7.8.2013 by the police personnel in connection with the seizure of certain numbers of fake currencies from the Centenary Branch of the Apex Bank, Mission veng, Aizawl and after the case was charge sheeted against the accused, charge under section 489'B&'C' IPC were framed, read over to the accused to which he pleaded not guilty and claimed for trial and accordingly evidences were taken and hence this written argument.

The prosecution examined as many as 2 witnesses namely, the AG-II, Apex Bank Centenary Branch and the Jr. Scientific Officer, FSL, Aizawl. No other witnesses were examined including the case I/O and any civilian witnesses in the case.

The accused person, therefore, would like to put forward the following inter alia points for favour of the kind consideration of your Hon'ble court and to honorable acquit him kindly from the charges leveled against him in the instant case after due consideration of the case:-

1. That the complainant (Pw No.2) Mr.Rosangluaia who submitted FIR stated that he along with Mr.Benjamin L.Chhangte went to Kulikawn P/S to submit FIR after the cashier Smt. Hmangaihzuali received some fake currencies from Mr.R.Lalremliana Apex Bank Centenary Branch, Mission veng and he did into identify or exhibit any FIR allegedly submitted by him.. he further stated on cross examination that he had never seen the accused before and that no fake currencies were seized from the possession of the accused person and he also stated that he did not know the involvement of the accused in the present case and as such no case or involvement is established against the accused by the present witness.

2. That the Jr.Scientific Officer, FSL (Pw.No.5) Mrs Mary Lalziki stated that she examined 10 notes of suspected fake Indian currency of Rs.500/- denominations and found them to be fake/counterfeit notes. On cross-

examination, she further stated among others that she is not authorized/accepted scientific expert u/s 293 Cr.P.C to conduct scientific examination of the S/A and that she did not find sample seal of the one enclosed along with the S/A to the FSL in the case record.

3. That the prosecution story of the case is into corroborated by any civilian witnesses and the investigating officer of the case was not examined. The two witnesses examined failed to establish the involvement of the accused in the case and the S/A were no duly proved by a legally accepted expert to be counterfeit/fake currencies. Hence, all the evidences taken on record are, therefore, pitiable inadequate for conviction of the accused person under the charge section of law in the instant case particularly when the case I/O is not examined to support and establish the charge-sheet submitted by him.

In the premises aforesaid, I humbly submit that since the prosecution has miserably failed to prove their case against the accused person beyond all reasonable doubts, I humbly pray that the accused/petitioner may kindly be acquitted honorably and that he be set at liberty forthwith and for which act of kindness I pray for the ends of justice.

Accused Ginlala was arrested in this instance only on the suspicious ground. But nothing is seized from him, and no witness statement collaborated the prosecution story and his involvement is not found.

I therefore acquitted accused Ginlala from the liabilities of the charge leveled against him u/s 489 'B' IPC and set him and liberty.

Bail and bail bond shall stand cancelled.

Seized fake currency shall be destroyed.

The case is disposed.

Sd/- VANLALMAWIA
Addl.District & Sessions Judge
Aizawl Judicial District,Aizawl

Memo No _____/ADJ-I(A)/2015 : Dated Aizawl the,21st July 2015

Copy to :-

1. District & Sessions Judge.
2. Spl.Superintendent of Central Jail,Aizawl.
3. Accused Gnlala C/o C.Zoramchhana Advocate.
4. App. Addl.PP
5. Judicial section
6. Case record.
7. Guard file.

PESHKAR