

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

***Sc No.101/2013,  
A/o Crl.Tr.No.1837/2013 Kolasib P.S Case No.30/2013  
U/S 489'B'/489'C' IPC***

State of Mizoram	:	Complainant
	Vrs	
Ginlala & Rintluangi	:	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
Date of Judgment	:	24.7.2015

**ORDER**

The prosecution story of the case in brief is that on 25.5.2013 a written FIR is received from one R.Zorammawii D/o Lalsangliana, Branch Manager In-charge, SBI Kolasib stating that on 25.5.2013 one Khualzagova of Khuangpuilam, Kolasib tried to deposit Rs. 1,00,000/- (one lakh) all of which are 500/- denomination using a Pass Book of Kamlalmawia S/o L.Zathanga A/C No.2015174465. further stating that when they checked the currency notes they

had found 100 suspected fake notes total of 50,000/-. Therefore requesting to take necessary action.

On receipt of the information O/C Kolasib P.S registered a case No.30/2013 u/s 489'B'/489'C' IPC and investigate into.

During the course of investigation the complainant was examined and one Khualzagova(28) S/o Pauzathanga of Khuangpuilam Kolasib was also arrested. The suspected fake currency notes and the genuine currency notes are seized in presence of witnesses.

The arrested person Khualzagova S/o Pauzathanga was thoroughly examined, and he stated that one Ginlala (39) S/o Sawimanga of Khuangpuilam, Kolasib had sent him to deposit the money a sum of 1 lakh, all of which are 500 denomination notes, and that he told him he would earn Rs.2000/- if he deposited it for him. An further stated that he did not know anything about the fake notes.

During investigation Ginlala(39) S/o Sawimanga of Tuaitiangmun Churachanpur, Manipur P/A Khuangpuilam, Kolasib was arrested at Diakkawn on 25.5.2013 and interrogated into.

On interrogation the accused person stated that he had acquired the fake currency notes from one Tluangi of Rengtekawn, Kolasib near FCI Godown further stating that he first bought the fake currency of Rs.50000/- at Rs,25,000/- in which his contact had acquired the fake currency from Bairabi. And further stated that he deposited the fake notes about Rs.1500/- at SBI Kolasib Branch using the account book of Kamlalmawia, A/C No.20151744765. after that he had used the account book of Thangvela husband of Niangneuvi of Rengtekawn, Kolasib and deposited a sum of Rs.25,000/-. He further stated that he had sent one Khualzagova of Khuangpuilam to deposit Rs.20,000/- using the account of Kamlalmawia. Thus, managed to deposited away Rs,50,000/- fake notes.

The accused further stated on 23.5.2013 he again contacted Tluangi for he needed money, thus his contact Tluangi had left for Bairabi. On 24.5.2013 had contacted him through phone and stated that he needed to meet her at Mizoram House, Silchar. Thus, he along with his friend Thangvela had immediately left for Silchar. And further stated that he met her at Mizoram House at about 12:00pm and then Tluangi had handed over Rs.2,00,000/- fake notes and again left for Mizoram along with her. He further stated that he had stayed overnight at the house of Thangvela at Rengtekawn, Kolasib and let him had Rs.1,00,000/- fake notes. On the next day he had left for Khuangpuilam and without the knowledge of his relatives namely Zathanga he mixed Rs.50,000/- fake notes with another Rs.50,000/- genuine notes. He further stated that he told Khualzagova to deposit his money for him since he did not have time to deposit the money, and he also told him that he would give him Rs.2,000/- if he deposit it for him. That is when the Bank found out that he deposited fake currency notes.

During, investigation another 200nos of fake currency notes all of Rs.500/- denomination was recovered from the residence of Thangvela at Bawktlang, Kolasib and seized in presence of witnesses.

During the course of investigation one Niangneuvi W/o Thangvela of Rengtekawn was also arrested for further examination. All the arrested persons namely Ginlala S/o Sawimanga, of Tuaitianghmun, Churachanpur, Manipur P/A Khuangpuilam, Kolasib and Niangneuvi W/o Thangvela of Rengtekawn, Kolasib are forwarded to CJM Kolasib for remanding in P.S custody for further examination on 26.5.2013.

During investigation one Niangneuvi W/o Thangvela of Rengtekawn, Kolasib was examined and stated that Ginlala had used her husband Pass Book A/C No.201517447554 for depositing money, and had used their house for hiding the fake currency.

During the course of investigation one Rintluangi W/o Panalal Boro of New Diakkawn, Kolasib was arrested at New Diakkawn, Kolasib. On careful examination of the accused Rintluangi she had admitted her involvement in supplying fake currency notes to Ginlala. She further stated that Ginlala had contacted her through phone and that he would need fake notes about Rs.50,000/- .Thus, she contacted one Non-Mizo named Fakrul stating that one person from Manipur needed the fake notes sample. Thus, he came to their house and brought Rs.3000/- fake notes for sample, and that Ginlala had collected the sample from her.

She further stated that after one week Ginlala had again contacted her and told her that he would need fake notes worth about Rs.25,000/-. Thus, she contacted her source and decided to handover the money at Bairabi. Thus, her contact had handed her Rs.50,000/- fake notes and thus again handed the fake notes to Ginlala at Koalsib.

She further stated that while she was at Karimganj, Ginlala had contacted her again and that he would need the fake notes worth Rs.1,00,000/- she further told Ginlala that he would be able to buy Rs.2,00,000/- fake notes at the amount of Rs.1,30,000/- and they would need to handover at Mizoram House, Silchar, and thus handed over the fake notes at Mizoram House, Silchar. And that she later arrested by the police for having an involvement in Counterfeit Currency Notes.

During the course of investigation the arrested persons namely Ginlala (39) S/o Sawimanga of Tuaitiangmun, Churachanpur, Manipur P/A Khuangpuilam, Koalsib, Khualzagova(28) S/o Pauzathanga of Khuangpuilam, Kolasib and Niangneuvi (33) W/o Thagvela of Rengtekawn, Kolasib are found to have involvement in the case and therefore, are forwarded to CJM, Kolasib for Judicial Remand.

However, during the course of investigation one arrested person namely Niangneuvi W/o Thangvela of Rengtekawn Kolasib, Khualzagova(28) S/o

Pauzathanga of Khuangpuilam, Kolasib are discharged from their liability as the two accused Gnlala(39) S/o Sawimanga of Tuaitiangmun, Churachanpur, Manipur P/A Khuangpuilam, Kolasib and Rintluangi (45) W/o Panalal Boro of New Diakkawn, Kolasib had confessed that they two alone are involved and that the others did not have any knowledge about the counterfeit notes and that they used them as carriers only.

Both the accused Gnlala and Rintluangi pleaded not guilty and claims for trial when charge u/s 489'B'/489'C' IPC against them. During the trial, the prosecution examined 10(ten) witnesses to ascertain their cases, and the deposition of witnesses are recorded as followed.

P.W No. 1. R.Zoremawii stated that I know the accused Gnlala who is standing in the court today, but I have not seen the accused Rintluangi.

I am working as Deputy Manager, S.B.I Kolasib Branch. On 25<sup>th</sup> May 2013 @ 11 : 30 Am one person name Khualzagova came to the Branch to deposit cash amounting to Rs.1 lakh and the cashier who received the said amount was Shri Lalrammuana. Pu Lalrammuana detected and found some fake currency from the said amount deposited by Khualzagova and informed the matter to me. I insisted the bank guard to detained Khualzagova, I then informed Kolasib Police and submitted F.I.R to the Police. The Police seized the said amount of money Rs. 1 lakh.

Exbt P. 1 : F.I.R : P 1 (a) is my signature.

**Cross examination by the Defence counsel:**

I do not know whether Khualzagova know the currency was fake or not, I have not seen the receiving of the said currency by Lalrammuana but I have seen the deposit slip which was signed by Khualzagova.

P.W No.3 Niangneuvi stated that I know the accused person Gnlala which present today this court, he is a close friend of my husband on 20.5.2013 the

accused Gintlala visited our residence and I told him that I would like to deposit Rs.8,00,000/- into the SBI Kolasib Branch. In the meantime, Gintlala requested me to deposit Rs.70,000/- his money into our account and he send me Rs.70,000/- i.e 500/- denomination as such he gave me Rs.1000/- for reward. There after, I went to the SBI, Kolasib Branch to deposit the said money. In the meantime the accused requested to my husband to withdraw for using our ATM card vide A/C No. 201517447554. Thereafter on 24.5.2013 at around 6:00 pm the accused visited our residence and he brought Rs.1 lakh i.e 500/- denomination and my mother Kimboihi put and kept said money under his bed.

On the following day police personnel brought accused into my residence and took his money which were kept under my mother bed. On the following day the police came to our residence and they arrested me.

Cross examination : I do not know the number of our ATM card A/C No. just before entering the court the prosecution lawyer tutor to me how to give statement in the court.

I do not know whether the currency deposited are fact currency or not and Gintlala also did not know whether this currency are fact or not.

I do not know the amount of money deposited by me to SBI Kolasib Branch.

I am un-illiterate witness I never go to school.

I do not know what I have stated in the examination in-chief above because the court lawyer dictated the recording clerk.

P.W No.5 Lalrammuana, SBI Kolasib stated I know the accused Gintlala who is standing in the court today. I am working at S.B.I Kolasib Branch.

On 25.5.2013 around 12 : 30 pm while I was on duty in single window counter at S.B.I Kolasib, one person name Khualzagoa deposited Rs 1 lakh. On

checking and counting the said deposited Rs. 500 notes with my hand, I found out that there were many fake notes. I then reported the matter to the Manager in charge who in turn reported that to the Police. I went to the said Police Station after counting was found on that there were 100 (one hundred) nos of Rs. 500 notes. I saw the accused Ginlala at the Police Station.

Exbt P. 2 (a) : is my signature.

**Cross examination by the Defence counsel:**

The fake currency seized was deposited to the Bank by Mr.Khualzago. All the seized currency were not fake. 100 numbers of Rs. 500 notes are fake currency and the others are not fake. Ginlala did not appear in our Bank, but as he was arrested by the Police I Saw him at the P.S. all the notes intended to the deposited to our Bank the amount of the money Khualzago deposited to our Bank is 1 lakhs Rupees. Whether the un-fake currency deposited and seized are to be return to the rightful owner ? I have no idea.

P.W No.7 Lalfamkimi stated that she did not know accused and only associated the police with the seizure of faked currency, and signed as seizure witness, but did not see the fake currency being recovered by the police.

P.W No.8 ASI Joseph Lalruatkima stated I know the accused Ginlala and Rintluangi who are standing in the court today. I am working at CID(SB) Special Branch Aizawl at present. When I was posted Kolasib P.S, we received a report from SBI Kolasib Branch that one person named Khualzagova who was sent by Ginlala to deposit fake currency at the said Branch in the account of Mr. Kamlalmawia. I then rushed to the said Bank with party. I arrested Khualzagova and Ginlala was also arrested on the same day i.e 25.5.2013. fake currency of Rs.50000 (five hundred notes) was recovered and seized in the presence of witnesses from the said Bank which was deposited by Khualzagova. Fake currency of Rs. 22,500 ( five hundred notes) was also seized in the presence of witnesses from the possession of Ginlala at the time of his arrest. On

interrogation with Gintlala, he stated that he had kept some other fake currency at the house of Niangneuvi. We then rushed to the house of Niangneuvi and seized fake currency of Rs. 1 lakhs (five hundred notes). And Niangneuvi was also arrested. Gintlala also stated that he had taken the said fake currency from Rintluangi. Rintluangi was then arrested on 28.5.2013. I recorded statement of all those arrested in connection with this case, also recorded statement of witnesses. I was transferred from Kolasib to Aizawl on 29.5.2013.

Exbt P 2 seizure memo of 100 nos of Rs. 500/-, P 2(b) is my signature.

Exbt P 3 arrest memo of accused Rintluangi. P 3 (a) is my signature.

Exbt P 4 arrest memo of Niangneuvi, P 4(a) is my signature.

Exbt P 5 is arrest memo of Khualzagova P 5 (a) is my signature.

Exbt P 6 seizure memo of 45 nos of Rs.500/-, P 6(a)is my signature.

Exbt P 7 seizure memo of 200 nos of Rs.500/-, P 7(a) is my signature.

Exbt P 8 sketch map of POA, P 8(a) is my signature.

Exbt M 1 is S/A.

**Cross examination by the Defence counsel:**

I was the case I/O of this case in the initial case the other person took the charge I have not seen anybody depositing the said S/A (some amount of money) to the Bank all what I know in this case I derive from accused Gintlala and I have seized some amount of fake currency from the pocket of Gintlala , I do not know whether the S/A was belonging to Gintlala In the S/A there is no document stating that it was belonging to Gintlala.

It is not a fact that the S/A was not known to the accused that the S/A were a fake currency.



All the S/A are five hundred rupees note amounting to Rs. one lakhs seventy two thousand five hundred and all of the S/A are in five hundred rupees denomination.

P.W No.9 S.I R.T.Sailo stated that I know the accused Gintlala who is standing in the court today. I was posted at Kolasib P.S at the time of the incident. The case I/O of the instant case initially was Joseph Lalruatkima ASI, and since he was transferred the case was endorsed to me. However before filing charge sheet I was also transferred to S.P Office Kolasib and I handed over the case to the O/C Kolasib P.S. while I was in-charge of the instant case, I forwarded the seized article to FSL clarify or examined whether the S/A was fake or not. However before receiving the result I was transferred. While taking care of the instant case the accused Gintlala and Rintluangi admitted that they were actually involve of the case and no other persons were involved. And a such the other arrested persons Niangneuvi and Khualzagova were discharged.

Exhibit P-9 is the forwarding note to the FSL, P-9 (a) is my signature.

**Cross examination by the Defence counsel:**

The statement that Accused Gintlala and Rintluangi involve of the case I have stated in the chief has not been recorded in the case record.

It is not a fact that Gintlala and Rintluangi did not say that they were involve in this case.

P.W No.10. Clifford M.S Hriatzuala stated that I know the accused Gintlala who is standing in the court today. I was posted at Kolasib P.S at the time of the incident and I am still at the said P.S. initially ASI Joseph Lalruatkima was the case I/O in the instant case. I have been instructed to file the charge sheet and accordingly after perusal of all materials available on record and since prima facie case U/S 489'B''C' IPC is found well established against the accused persons Gintlala and Rintluangi I filed the charge sheet and sent the accused persons up for trial.

Exbt : P-10 charge sheet, P-10(a) is my signature.

Exbt : P-11 Arrest memo of accused Gintlala

**Cross examination by the Defence counsel:**

It is a fact that I do not personally knew the involvement of the accused accept the statement record by the previous case I/O.

It is a fact that the said fake currency notes said to have been recovered from the accused cannot be classified by an ordinary man with a genuine note.

Cross examination by D/L R.Thangkanglova : I was not present at the P.O at the time of seizing the S/A, the S/A is a suspected fake currency.

It is stated that Thangvela deposited the S/A at the Bank SBI Kolasib Branch.

P.W No.11, ASI K.Samuella Kolasib P.S stated that I know the accused Gintlala who is standing in the court today. I was posted at Kolasib P.S at the time of the incident and I am still at the said P.S. On 25.5.2013 when the accused Gintlala was brought to the Police Station Kolasib P.S I was on duty and suspected fake currency Rs.500/- notes amounting to Rs. 22500/- was taken out from the pocket of the pant of the accused Gintlala and the same was seized by ASI Joseph Lalruatkima and I was made seizure witness and I gave my signature.

Exhibit P-6 (c) is my signature.

**Cross examination by the Defence counsel:**

I do not know whether the accused Gintlala and Rintluangi knew whether the S/A were fake currency or not.

It is not a fact that I was not at the P.S at the time when the two accused were brought.

P.W No.13 Vanlalkima, Asst, Director FSL stated that On being requisition by S.I R.T Sailo, Kolasib P.S case for examination of 6 numbers of Rs.500/- FICN. I was endorsed by my superior officer i.e Joint Director FSL to examine the same. After examination conducted by me, it was found that the said notes were fake. I reported the said examination to the SDPO Kolasib District, and the Joint Director FSL forwarded the same to the said SDPO. The result of the said examination is exhibited as below :

Exbt P-12 is the examination report, P-12 (a) is my signature.

Exbt P-13 is details of exhibit, P-13(a) is my signature.

Exbt P-14 is forwarding letter by Joint Director, FSL

Exbt P-15 is forwarding letter by me, P-15(a) is my signature.

**Cross examination by the Defence counsel:**

It is a fact that the fake currency note which I have examined in the laboratory cannot be classified/differentiate with the genuine note for an ordinary men.

It is not a fact that the fake currency which I have examined were not among the fake currency seized in connection with the present case.

It is a fact that fake 345 currency note denomination of Rs.500/- were alleged to have been recovered from the accused persons but I have only examined 6 numbers of fake currency note of Rs.500/- and I have not seen in the record a document indicating that sample were drawn in the presence of witness by the seizing officer and 6 numbers of 500 denomination fake currency note were taken out as a sample for examination in the FSL.

It is a fact that I have not received other 339 fake currency note which were produced in the court today and I have no opinion about other 339 fake currency notes and I do not know whether there were genuine or fake.

It is not a fact that I am deposing falsely in the court today.

Cross examination by Pu R.Thangkanglova ;

I have not seen the act of collecting or recovery of the fake currency sent to me and I do not know from where they have collected the fake currency notes.

I do not know whether the accused persons knew that the fake currency sent to me were fake or not.

The accused Ginlala was examined u/s 313 Cr.P.C and answer the question as follow

It is from the evidence that you had acquired fake currency notes Rs.50000 + Rs.22,500 + Rs. 1,00,000/- (five hundred notes) from accused Rintluangi. What do you have to say ?

Ans : Yes, I received Rs.50,000/- of Rs.500/- denomination from Rintluangi.

Q.2 It is from the evidence that you sent Pu Khualzogova to deposit fake currency notes Rs.50,000/- (five hundred notes) at S.B.I Kolasib Branch on 25.5.2013 and Pu Khualzagova deposited the same in the account of Pu Kamlalmawia. What do you say ?

Ans : Yes, I sent Khualzagova, to deposit the fake currency which I received from Rintluangi, to the SBI Kolasib Branch in the acct of Mawia, who is the son of my elder brother.

Q.3. It is from the evidence that fake currency of Rs.22,500/- (five hundred notes) was seized from your bag on 25.5.2013. What do you have to say ?

Ans : Yes, it is a fact, Rs.22500 have been seized from me.

Q.4. It is from the evidence that on 24.5.2013 you kept fake currency Rs.1 lakh (five hundred notes) at the house of Pi Niangneuvi and the same was seized on 25.5.2013. What do you have to say ?

Ans : Yes, it is seized Rs. 1,00,000/- from Niangneuvi, the money was belongs to Pa Duma, of (Falam) but I have some share in the money.

Q.5. It is from the evidence that the currency notes Pu Khualzangova deposited at S.B.I Kolasib Branch as per your instruction, notes seized from you bag and which you kept at the house of Niangneuvi of Rengtekawn are fake currency notes. What do you have to say ?

Ans : It was seized from the bag which I was holding.

And co-accused Rintluangi also examined u/s 313 Cr.P.C and answered the question put to her Q.1.It is from the record that Ginlala contacted you through and told you that he needed fake currency notes sometime in the month of May 2013. What do you say ?

Ans : Ginlala did not contact me over phone.

Q.2. It is from the evidence that you gave fake currency notes Rs. 50000/- (five hundred notes) to Ginlala. What do you say ?

Ans : I do not give any money to Ginlala.

Q.3 It is from the record that Ginlala gavel you Rs. 25,000/- for fake currency notes Rs.50,000/- and you went to Bairabi, acquired fake currency notes Rs.50,000/- (five hundred notes) from one Fakrul, came back to Kolasib Diakkawn and gave the same to Ginlala. What do you say ?

Ans :I denied that I do not gave any money nor received I simply acquitted with Fakrul as he was my neighbour at Kolasib, New Diakkawn.

Q.4. It is from the record that you helped Ginlala meeting with Mr. Fakrul at Silchar to get fake currency Rs. 2,00,000/- on 24.5.2013. What do you have to say ?

Ans : I do not help Ginlala to meet Mr. Fakrul.

Both the accused informed the court that they have no any defence witness to be produce in the court, and both Id. Addl. Public Prosecutor and defence council Mr.R.Thangkanglova, consel fo accused Lalrintluangi submitted written argument, Mr.Lalramhluna Advocate, Ld. Counsel for accused Ginlala denied to submit written argument.

The Id. APP submitted that :

1, That the brief facts of the case is that accused Ginlala S/o Sawimanga, R/o Tuaithangmun, Manipur and accused Rintluangi, W/o Panalal Boro R/o New Diakkawn, Kolasib were arrested by Kolasib Police on 25.5.2013 and 28.5.2013 respectively for possession and indulged in transporting counterfeit Indian currency notes (Rs.500 notes). On 25.5.2013 one Khualzagova of Kolasib tried to deposit Rs.1,00,000/- at S.B.I Kolasib Branch all of which are 500/- denominations. Among these 100 nos total of Rs.50,000/- were suspected to be of fake notes and Khualzagova was detained by the Police. On interrogation Khualzagova revealed that he was sent by the accused Ginlala to deposit and consequently accused Ginlala was arrested on 25.5.2013 itself. Ginlala admitted

that he had sent Khualzagova to deposit faked currency notes at SBI Kolasib Branch and admitted that 200 nos of fake currency notes all of Rs.500/- denomination seized from the residence of Thangvela, R/o Bawktlang, Kolasib District belonged to him. The accused Ginlala also stated that accused Rintluangi supplied faked notes to him and through Rintluangi he managed to get fake currency Rs.2,00,000/- (Rs.500 notes) from one Mr. Fakrul at Silchar on 24.5.2013, Rintluangi, W/o Panalal Boro, R/o New Diakkawn, Kolasib was then arrested eventually on 28.5.2013 Rintluangi stated that she took faked notes Rs. 50,000/- from Fakrul and handed over to Ginlala and again helped Ginlala to meet Fakrul at Silchar to get faked currency Rs.2,00,000/- on 23.5.2013. Hence, a prima facie case u/s 489'B'/489'C' IPC were found well established against the accused Ginlala and Rintluangi and the case I/O S.I Clifford M.S Hriatzuala sent them up for trial.

2. That the charge sheet was filed on 30.9.2013 and a copy of the same was furnished to the accused free of cost on 28.10.2013 through they are allowed to inspect the same personally or through pleader U/S 208 Cr.P.C as per court order dt.30.9.2013.

3. That Pu Lalramhluna Advocate and Pu R.Thangkanglova, Advocate were appointed as the defense counsels for accused Ginlala and Rintluangi respectively on 11.11.2013.

4. That charge u/s 489(B)(C) was framed read over and explained to the accused in their known language to which they pleaded not guilty on 22.11.2013.

5. The prosecution produced as many as 10 witnesses.

6. That on perusal of all materials available on record, it is pretty clear.

a) that the accused Ginlala went to Silchar and with the help of accused Rintluangi met one Mr.Fakrul on 23.5.2013 and got faked Indian Currency note Rs.2,00,000/- (Rs.500 denomination) and they came back to Kolasib the same day.

- b) that the accused Ginlala sent Mr.Khualzagova to deposit Rs.1,00,000/- at S.B.I Kolasib Branch on 24.5.2013. among the said Rs.1,00,000/- Ginlala mixed with faked currency of Rs.50,000/- accused Ginlala gave Rs.2000/- to Khualzagova for his service.
- c) that P.W No.5. Pu Lalrammuana working at SBI Kolasib Branch detected, noticed and found out that there were many faked notes from the cash deposited by Khaulzagova and Khualzagova was eventually arrested by Kolasib Police Station on the strength of FIR submitted by PW No.1 Pi Zorammawii, Deputy Manager S.B.I Kolasib Branch.
- d) that Khualzagova informed the Police that he did not know anything about the faked currency but was simply sent to deposit by accused Ginlala and Ginlala was then arrested on 24.5.2013 Khualzagova was later discharged.
- e) that when accused Ginlala was arrested, he was carrying faked notes Rs.25,000/- inside his bag and the same was seized on 24.5.2013.
- f) that on interrogation accused Ginlala stated that he had kept faked notes Rs.,00,000/- at the house of Niangneuvi, Kolasib and the Police recovered and seized the same on 25.5.2013 and Niangneuvi was also arrested, but discharged later on as her involvement was not found.
- g) that accused Ginlala state that he had acquired the faked currency from one Fakrul at Silchar with the help of accused Rintluangi, and Rintluangi was then arrested on 28.5.2013.
- h) that the seized suspected faked currency was sent to FSL, Aizawl and FSL confirmed that the 500 denomination seized were faked.
- i) that since accused Ginlala paid Rs.1,30,000/- for the faked currency of Rs.2,00,000/- and that accused Ginlala knew very well that the faked currency seized from his possession and which he sent Khualzagova to deposit at S.B.I Kolasib are faked currency.



j) that accused Rintluangi also knew very well that the faked currency Rs.2,00,000/- which she helped accused Ginlala to get from one Fakrul at Silchar are all faked currency.

k) accused Ginlala did not deny that he had sent Khualzagova to deposit faked currency Rs.50,000/- at SBI Kolasib Branch did not deny that fake currency Rs.25,000/- was seized from his bag and stated that he acquired the same through and from accused Rintluangi

Hence both the accused Ginlala is found guilty punishable u/s 489(B) IPC.

In the facts and circumstances mentioned above this Hon'ble Court is earnestly prayed to convict the accused Ginlala and Rintluangi U/s 489(B)(C) IPC or as your honour may deem fits and proper.

Mr. R.Thangkanglova, Advocate submitted that :

1. The prosecution miserably failed to prove the guilt of the accused persons in this case because the prosecution failed to prove that the accuseds knew the currency in question is fake. Section 498 C&D IPC demanded that the accused must know or having reason to believe that the currency is fake. The accuseds do not know or having reason to believe that the seized currency is fake. Not only this accuseds had not used or utilized the currency for their own benefit or for the benefit of others.

2. At the same time this first P.Witness is a staff of the Kolasib SBI and as such she had no knowledge about the guilt of the accused. She simply stated that she had seen Ginlala at the Kolasib P.S 'Ginlal' she said did not appear in their Bank". This P.W it did not mention any crime committed by accused Ginlala and Rintluangi.

3. PW No.8 ASI Joseph Lalruatkima, CID (SB) Spl. Br deposed in the court that he had arrested Khualzalgova & Gintlala on 25.05.2013. He said that he had arrested Niangniauvi. And Rintluangi was arrested on 28.05.2013 and this Police Officer stated that he recorded the statements of these arrested persons. But his recorded statements were not proved in the court by any other wits and as such his stated records are mere alleged statements of these accuseds before the Police which are mere statement before the Police which cannot be admitted as evidence as per evidence Act. Police can make/write anything as he likes but this cannot be taken as conclusive evidence without proof by any other independent witness. This Police Officer exhibited seizure memos with his signatures but he did not produce any SA or witness for these seizure memo and as such his exhibits have no value because these statements are mere statements, if any, which are not evidence without corroboration as per evidence Act.

4. In his cross examination this wit. stated that all what he knew in this case were derived from accused Gintlala. He said that he seized some amount of fake currency from Gintlala but this wit has no civilian witness and as such it is likely that he did not seize anything from Gintlala as per law (evidence Act). Besides, he said that he did not know whether these fake currencies were belonging to Gintlala. And there was no document testifying that the currency was of Gintlala. He also did not exhibit the SA (currency) also. Therefore, his evidence is not relevant at all.

5. C/119 F.Lalhmingmawia, Kolasib PS PW 12 said that when the accused (Gintlala) was brought at KLB PS his bag was checked and counterfeit currency notes of Rs.500/- amounting to Rs.22,500/- was found there and it was seized and he gave signature in the seizure memo No. i.e. Ex P-6 was the S.A but it is not proved whether the bag was of Gintlal.

6. In cross examination he said that he did not know from where the SA was recovered but in his examination-in-chief he said that the SA was recovered from the bag of the accused these contradictory statements proved that he is an unreliable witness and all his depositions are unreliable for any sane man. And as such his depositions are liable to be discarded. And there was no civilian witness and as such this arrest memo and SA are unreliable. It is also not known the owner of the bag. This witness did not know from where the said bag was recovered. The SA counterfeit currency was not produced except the arrest memo and as such the alleged SA is doubtful. In the re-examination though the accused was alleged to have confession in Thana yet, confession or statement before the Police is not to be taken as confession at all.

7. PW No. 9, SI RT Sailo stated that he took over the charge of investigation of this case from the I.O Joseph Lalruatkima, ASI. However, before filing charge sheet he was also transferred and he handed over the charge to O/C Kolasib P/S. However, before handing over the charge to other he said that accused Ginlala and Rintluangi admitted that they were actually involved of the case. This is also a Police statement which cannot be admitted as evidence and this is an uncorroborated statement of the Police which cannot be taken as evidence.

8. PW No.11 ASI K.Samuella, Kolasib PS stated that he knew Ginlala who was standing in the court. He said that he did not know whether Ginlala and Rintluangi knew the SA were fake currency or not. In this case these two accuseds might have stated anything in the Police Thana their statements are the statements before Police and no civilian witness corroborated their statements. And as such their statements are the statements which cannot be admitted or evidence.

9. PW 11 MS Hriatzuala, Kolasib PS gave evidence in the court on 11.03.2015 stated in the cross examination that he did not know the involvement of the accused except the statement record by the previous I.O. And he said that the said fake currency notes seized cannot be differentiated by an ordinary man with a genuine note. Again he said that he was not at the PO at the time of seizing the SA. It was stated that Thangvela deposited the SA at the SBI Kolasib. There is nothing to be worthy of consideration by any same person for conviction of the accused persons in respect of the so called evidence of this witness.

10. PW No. 13 Mr. Vanlalkima, Assistant Director, FSL stated that on examination of 6 numbers of Rs.500/-FICN conducted by me it was found that the said notes were fake. He again stated in the cross examination that it was not possible for an ordinary man to classify or differentiate these fake currencies from the genuine ones. It was stated that 345 currency notes denomination of Rs.500/- were seized but he examined only 6 currency notes. Besides, he did not see the taking out of 6 numbers of currencies from the seized Articles. Here the Police might have taken out these 6 numbers of fake currency from the Police stock of fake currencies and as such it is difficult to believe that the fake currencies examined by the FSL are the SA taken from the alleged SA of the accused. He again stated that he did not know from where the sample of SA were collected and sent to him.

11. Smt.R.Zorammawii, Dy. Manager, Kolasib, SBI simply gave evidence in respect of Mr.Khualzangova who was not arrested or discharged by the Police and this witness had not given any evidence against Gintlala and Rintluangi and as such her evidence is not required to be argued or stated here.

12. On examination U/s 313 Cr.P.C both accused Rintluangi and Gintlala it is seen that both have denied the charges against them.

13. In these case after examining all the evidence deposed in the court by the witnesses it is proved that the accuseds have no involvement in this case as alleged.

It is therefore, earnestly prayed that this Hon'ble Court be graciously pleased to acquit the two accuseds Gintlala and Rintluangi honourable as there is no evidence against them in respect of the present allegation in the charge sheet.

In this instance case, the P.W No.3 Niangneuvi has clearly submitted the involvement of accused Gintlala, as Gintlala had sent Rs.70,000/- through her to be deposited in the bank, and another Rs.1 lakhs of Rs.500/- denomination to be hidden by her mother Kimbawihi, who put the money under her bed.

The statement of P.W No.3 was collaborated by the statement of Pw No.5, No 8,9 some of the said Fake currency of Rs.500/- notes amounting to Rs.22,500/- were seized and was taken out from the pocket of the pant of accused Gintlala and seized by ASI Lalruatkima as stated by P.W No.11. ASI K.Samuella and the statement of Pw No.11 was collaborated by the statement of Pw No.12 C/119 F.Lalhmingmawia P.W No.13 Vanlalkima, Asst. Director Forensic Science Laboratory affirmed that the seized counterfeit currency of Rs.500/- denomination are fake.

From the examination of accused Gintlala U.S 313 Cr.PC accused Gintlala submitted that he received Rs.50,0000/- of Rs.500/- denomination from Rintluangi and admitted all the statement of prosecution witnesses. Co accused Lalrintluangi denied all the allegation in the examination u/s 313 CrPC. She was arrested based on the statement of co-accused Gintlala on 28.5.2013 as Gintlala received the fake currency from Rintluangi as stated by PW No.8. P.W No.9, also submitted that both the accused Gintlala and Rintluangi admitted their guilt, stating they were actually involved in the instance case and no other person were involved. But the involvement of co-accused Rintluangi is found less than her co-accused Gintlala, and nothing is seized from Rintluangi but co-accused

Ginlala submitted that he received Rs.50,000/- of Rs.500/- denomination from Rintluangi in his examination u/s 313 Cr PC.

It can therefore be presumed that Rintluangi supplied some of the seized fake currency to Ginlala, and Ginlala used those fake currency for benefit and for exchanging with the genuine currency, through SBI, Kolasib and otherwise.

On perusal of the case records, and evidences adduced by the prosecution witnesses the prosecution proved their cases beyond doubt.

I therefore convicted accused Ginlala u/s 489'B' IPC for buying and receiving of Fake currency and used the fake from Rintluangi currency as genuine in the SBI, Kolasib branch, accused Rintluangi is acquitted due to lack of evidence and the prosecution failed to established a prima facie case against Rintluangi u/s 489'B' IPC.

Quantum of sentence shall be heard in the first next date.

24.7.2015 : Accused Ginlala is produced from Judicial Custody. Today is fixed for sentence hearing, the Id. counsel for the accused submitted prayed to award lesser sentence as the accused is the main sole bread earner of his family, and is poor family. Accused Ginlala also stated to inflict punishment as less as possible as there was no one to look after his family, who are staying at Churachandpur, Manipur.

On the other hand, the Id. Public prosecutor to award maximum punishment u/s 489(B) IPC as evidence is clear and his involvement is proved.

Upon hearing of both parties, the sentences period 4(four) years of R.I a fine of Rs.3000/- id 6(six) months u/s 489(B) IPC.

Detention period shall be set off.

S/A be destroyed.

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

Memo No \_\_\_\_\_/ADJ-I(A)/2015 : Dated Aizawl the,24<sup>th</sup> July 2015

Copy to :-

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

PESHKAR