

Sessions Case No. 12(A)/2010.

U/S 489(C)/34/489(A) IPC

State

Vs.

1. Fazlur Rahman

2. Amzad Ali

3. Fazal Hoque @ Fazal Ali

..... Accused.

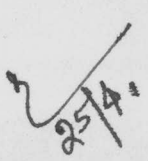
**PRESENT : Smt. M. Nandi,
Sessions Judge,
Bongaigaon.**

**ADVOCATES APPEARED : Sri A. K. Nath, Public Prosecutor
for the State.**

*Sri G. Biswas, Advocate
for the accused.*

Date of Argument : 11.04.2013.

Date of Judgment : 25.04.2013.


SESSIONS JUDGE
BONGAIGAON

JUDGMENT AND ORDER

1. The prosecution case, in brief, is that the informant Sri Bhupendra Nath Das lodged an ejahar before the O/C, Abhayapuri Police Station stating inter-alia that on 14.09.2007 at about 6 PM acted on a secret information, he along with the staff of the Abhayapuri Police Station and five army personnel went to Abhayapuri Daily Market in the Hotel of one Hanif Ali and on being searched caught two persons namely, Fazlur Rahman @ Fazar and Amzad Ali and recovered fake currency notes of Rs. 10,000/- and brought them to the Police Station. On being asked, they disclosed that the fake currency notes were given to them by one Fazal Ali with intent to cheat the general people.

2. On receipt of the ejahar, a case was registered vide Abhayapuri P.S. Case No. 212/07 and investigation was started and after completion of investigation charge sheet was submitted against the accused

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Fazlur Rahman, Amzad Ali and Fazal Ali U/S 468/489(A)/489(C)/34 IPC. During trial, all the accused persons put their appearance before the Court and they were enlarged on bail. Charge was framed against the accused Fazlur Rahman and Amzad Ali U/S 489(C)/34 IPC and against the accused Fazal Ali U/S 489(A) IPC which was read over and explained to the accused to which they pleaded not guilty and claimed to be tried.

3. In this case, prosecution examined six witnesses and the defence examined none. The plea of the defence is the plea of denial. I have heard the argument advanced by learned counsel of both sides.

4. **Points for determination**

1. *Whether the accused persons (Fazlur Rahman and Amzad Ali) on 14.09.2007 at about 5 P.M. were found in the Hotel of Hanif Ali and on being searched, Rs. 10,000/- (seven currency notes of Rs. 1000/- denomination and six currency notes of Rs. 500/- denomination) were recovered from their possession and knowing fully well the currency notes to be counterfeit they had kept with them intending to use the same as genuine in furtherance of their common intention and thereby committed an offence U/S 489(C) IPC ?*
2. *Whether the accused person (Fazal Hoque @ Fazal Ali) on 14.09.2007 kept in his possession counterfeit currency notes knowing or having reason to believe to be counterfeit seven currency notes of Rs. 1000/- denomination and six currency notes of Rs. 500/- denomination and he had given it to Fazlur Rahman and Amzad Ali for its use and circulation and thereby committed an offence U/S 489(A) IPC ?*

25/11.
SESSIONS JUDGE
BUDAPEST.

DECISION AND REASONS THEREOF

5. To arrive at just decision of the case, let me consider the evidence of the witnesses.

6. PW 1 is the informant Bhupendra Nath Das. He deposed in

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