

IN THE COURT OF SESSION, SESSIONS DIVISION, PATHANAMTHITTA.

Present: Sri. Vishnu K., Additional Sessions Judge-II.

Dated, this the 26th day of March, 2026.

SESSIONS CASE No.683/2013

(Refiled from LP.03/2018)

(CP. 104/12 of Judicial 1st Class Magistrate Court, Adoor)

Complainant:- State of Kerala represented by Detective Inspector of Police, Narcotic and Economic Offence Cell (CBCID), Thiruvananthapuram in Cr. No.324/2006 of Adoor Police Station.

**(By Adv. Sri. P.R.Anil Kumar,
Additional Public Prosecutor, Pathanamthitta)**

Accused:- A2 Madhu, aged 27/06, S/o Somasekharan Pillai, Mohanavilasathil, Kaduvathod, Pattazhi, Vadakkekaramuriyil, Pathanapuram.

(By Adv. Sethumohan M and Adv. Ashly George Mathew)

Charge : Offences punishable U/s 489(B) 489 (C) and r/w 34 of IPC

Plea of the accused : Not guilty.

Finding of the court : Not guilty

Sentence or order : **Accused herein (A2 in the final report) is acquitted of the offences punishable u/Ss.489-B and 489-C of IPC as provided under Section 235(1) Cr.PC. His bail bond stands cancelled and he is set at liberty.**

DESCRIPTION OF THE ACCUSED

Sl. No.	Name	Father's Name	Religion	Occupation	Residence	Age
	Madhu	Somasekharan Pillai	-	-	Mohanavilasathil, Kaduvathod, Pattazhi, Vadakkekaramuriyil, Pathanapuram.	47 Yrs

Dates of

Offence	Report	Apprehension	Release on bail	Committal
12.05.2006	12.05.2006	12.05.2006	09.06.2006	28.12.2012
Commencement of trial	Close of trial	Sentence/Order		Explanation for delay
02.02.2026	23.03.2026	26.03.2026		-

This case having been finally heard on 23.03.2026, the Court on 26.03.2026 delivered the following:

J U D G M E N T

This is a case taken on file based on the final report filed by the Deputy Superintendent of Police, CBCID M/EO Cell, SIG -I, Thiruvananthapuram alleging that the accused committed offences punishable u/Ss.489-B and 489-C r/w 34 of the Indian Penal Code (for short IPC).

2. Prosecution case in brief is that in on 12.05.2006 at 9.30 PM accused no.3 gave accused no.1 three counterfeit notes of denomination Rs.100 to for purchasing liquor and accused no.2 two counterfeit notes of denomination Rs.100 and accused no.1 trial to purchase liquor from Indraprastham bar at Adoor using three counterfeit notes of denomination Rs.100. The accused are thus alleged to have committed the offences punishable under the provisions herein above mentioned.

3. The accused here in is accused no.2 in the final report. Accused no.1 was acquitted as per judgment dt. 05.03.2015 in SC.448/2011 and accused no.3 was acquitted as per judgment dt. 21.12.2024 in SC.358/2019.

4. The accused herein (A2 in the final report) appeared before this Court. He is on bail. The Additional Public Prosecutor opened his case by describing the charge brought against the accused herein and stated by what evidence he proposed to prove the guilt of the said accused.

5. After hearing both sides and on perusing the case records, charge u/Ss. 489-B and 489-C of the IPC was framed against accused herein read over and explained to him to which he pleaded not guilty.

6. PWs 1 to 8 were examined and Exts.P1 to P7 and MO1 series were marked on the side of the prosecution.

7. On closing the prosecution evidence the accused herein was examined u/S.313(1)(b) Cr.P.C. He denied the inculpatory circumstances appearing in evidence against him and pleaded innocence.

8. Thereafter, the prosecution and the defence were heard u/s.232 Cr.P.C. Since this Court did not consider that there was no evidence that the accused herein committed the offences alleged against him, he was not acquitted under section 232 Cr.PC, instead, he was called upon to enter his defence and adduce any evidence he may have in support thereof.

9. No defence evidence

10. **The following points arose for consideration:-**

- (1) Whether the prosecution succeeded in proving the charge leveled against the accused herein (A2 in the final report)?
- (2) What shall be the punishment, if any, to be awarded to the accused herein (A2 in the final report) ?

11. Head both sides.

12. **Point No.1:-** The prosecution allegation is that on 12.05.2006 at 9.30 PM accused no.3 gave accused no.1 three counterfeit notes of denomination Rs.100 to for purchasing liquor and accused no.2 two counterfeit notes of denomination Rs.100 and accused no.1 trial to purchase liquor from Indraprastham bar at Adoor using three counterfeit notes of denomination Rs.100.

13. PW1 is the Detecting Officer. He would depose that on 12.05.2006 he got information that at about 9.30 PM 3 persons came Indraprastha bar at Adoor for purchasing liquor and 2 of them were intercepted there. Thereupon PW1 and party reached the bar and found two persons being intercepted there. The staff at the bar counter handed over three 100 rupee currency notes to PW1 saying that those notes were given by the said persons. On examination PW1 understood that those currency notes were counterfeit ones. PW1 ascertained the names of the persons who were the intercepted and arrested them. PW1 also identifies the accused (A2 in the final report) who was in the dock in the course of his examination before court. PW1 further deposes that on search of the person of the accused herein a purse was seized from the pocket of the shirt of the accused. On examination of the contents of the purse, two counterfeit

currency notes of denomination rupees 100 (MO1 series) were also found. PW1 prepared seizure mahazar (Ext.P2). PW1 registered the FIR (Ext.P3). During cross examination PW1 admits that the counterfeit currency notes said to have been seized from the accused here in were neither packed or sealed. It is noted that MO1 series allegedly seized on 12.05.2006 was produced before court on 17.05.2016. Eventhough PW1 the states that MO1 series was in his custody during the period from 12.05.2006 to 17.05.2006 there is no worthwhile material showing the custody of MO1 series during the said period. Since the allegedly contraband articles were not packed or sealed in accordance with law there is every chance for its manipulation as argued by the learned defence counsel. There is no evidence were PW1 himself had complied with the formalities of search before the alleged search of the person of the accused herein. It is also noted that the seal impression of PW1 was not affixed on seizure mahazar. Therefore the seizure of MO1 series as alleged by the prosecution cannot be accepted.

14. PW2 is an officer who is said to have accompanied PW1 and witnessed the alleged search and seizure of MO1 series. He would depose that he along with PW1 and certain other police official came in to Indraprastha bar and went to the room of the manager of the bar. There the accused herein, another person named Shaji, the staffers of the bar and the manager of the bar were present. The manager of the bar handed over three 100 rupee notes to PW1 saying that the same were obtained from the accused. PW1, after conducting the search of the body of the accused, arrested the accused. On search of the body of the accused herein a purse and a mobile phone were seized. Thereafter PW1 registered FIR. Is noted that PW2 does not at all state about the seizure of MO1 series from the accused.

15. PW3 was the then branch manager of State Bank of Travancore, Adoor he would depose that on 15.02.2006 as per the requisition from Adoor Police station he examined 15 currency notes and found that five 100 rupee currency notes were

counterfeit currency notes. PW3 further deposes that he had issued a certificate (Ext.P5) stating this.

16. PW4 is an occurrence witness he deposes that on hearing that the accused herein arrested, PW4 reached Adoor Police Station with the brother of the accused herein. But the accused was not found there. PW4 came to know that the accused herein was taken to the jail.

17. PW5 deposes that while he was the Detective Inspector in counterfeit squad he prepared a forwarding note(Ext.P6) for sending the counterfeit notes to the Currency Note Press (CNP), Nashik.

18. PW6 conducted a part of the investigation and he record the statements of certain witnesses.

19. PW7 deposes that while he worked as C.I of Police, Adoor he conducted search of the houses of the accused, but no contrabands were seized from their houses.

20. PW8 was a manager of Indraprastha bar he would depose that on 12.05.2006 at about 9.00 pm, he was informed by the bar manager that three 100 rupee currency notes with same serial number was received. PW8 informed the matter to the Adoor Police and directed the bar man not to release the persons who had given the currency notes. Soon police came there. The currency notes obtained from the bar counter were taken by the police. PW8 further deposes that he saw two persons kept at the bar counter. It is further deposed by PW8 that he could not remember them. He would deposed that he is not sure whether MO1 series shown to him was the counterfeit notes seized by the police. Thus it can be seen that the testimony of PW8 is of no avail to the prosecution.

21. There is no evidence indicating that the accused herein (A2 in the final report) had used or possessed MO1 series knowing them to be a counterfeit notes.

22. The Apex Court in **Anand Ramachandra Chougule v. Sidarai Laxman Chougule - AIR 2019 SC 3871** observed that the burden lies on the prosecution to prove

the allegation beyond all reasonable doubt. In contradiction to the same, the accused has only to create a doubt about the prosecution case and probability of the defence. An accused is not required to establish or prove his defence beyond all reasonable doubt, unlike the prosecution. If the accused takes a defence, which is not improbable and appears likely, there is material in support of such defence, the accused is not required to prove anything further. The benefit of doubt must follow unless the prosecution proves its case beyond reasonable doubt. The Court further held that the fact that no defence was taken by the accused u/S.313 of Cr.P.C cannot absolve the prosecution from proving its case beyond all reasonable doubt.

23. It is well settled that the prosecution must stand or fall on its own feet. It cannot draw support from the weakness of the case of the accused, if it has not proved its case beyond reasonable doubt.

24. It is trite that two fundamental principles while appreciating the evidence in a criminal case are that guilt against the accused is to be proved beyond reasonable doubt and burden on the accused is not so heavy to prove the plea taken by him and accused can discharge the burden by showing the preponderance of probability to rebut the presumption.

25. A scrutiny of the entire evidence let in in the case brings out the frailty of the prosecution case. On the basis of the available materials, it would be highly unsafe to fasten the accused herein with penal liability as per the charge against him. Accused herein (A2 in the final report) is entitled to the benefit of doubt. Hence Point No.1 is found against the prosecution.

26. **Point No.2:-** In view of the findings on Point No.1, accused herein (A2 in the final report) is found not guilty of the offences punishable u/Ss.489-B and 489-C of IPC.

In the result,

Accused herein (A2 in the final report) is acquitted of the offences punishable u/Ss.489-B and 489-C of IPC as provided under Section 235(1) Cr.PC. His bail bond stands cancelled and he is set at liberty.

Destroy MO1 series as per rules.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open Court on this the 26th day of March, 2026.

Sd/-
Vishnu K.,
Additional Sessions Judge -II

APPENDIX

Exhibits marked for the Prosecution side:-

			Marked through
P1	12.05.2026	Arrest memo	PW1
P1(a)	12.05.2026	Custody memo	
P1(b)	12.05.2026	Inspection memo	
P2	12.05.2006	Seizure mahazar	PW1
P3	12.05.2006	First Information Report.	PW1
P4	16.05.2006	Property list.	PW1
P5	15.05.2006	Certificate issued from SBT	PW3
P6	22.02.2007	Copy of forwarding note	PW5
P7	13.02.2008	Certificate from Currency Note Press, Nasik	PW5

II. Defence Exhibit : NIL

III. Court Exhibit : NIL

IV. Prosecution Witnesses:

PW1	02.02.2026	Girish P. Sarathy
PW2	02.02.2026	Ajikumar A.
PW3	03.02.2026	P.D. Thomas
PW4	03.02.2026	Sajan @ Jacob
PW5	04.02.2026	M.S. Santhosh
PW6	19.02.2026	Varadarajan
PW7	26.02.2026	Ajith V.
PW8	17.03.2026	Manoharadas

V. Court Witness : NIL

VI. Defence Witness : NIL

VII. Material Objects marked :

MO1 Series - Counterfeit currency notes of denomination Rs.100/-
(2 Nos)

Sd/-
Additional Sessions Judge-II

**CALENDAR STATEMENT IN SESSIONS CASE No.683/2013 OF
ADDITIONAL DISTRICT & SESSIONS COURT - II, Pathanamthitta**

Serial No.	:	S.C.No.683/2013 (Crime No.324/2006 of Adoor Police Station)	
Name of Police Station and Crime No. of the offence	:		
		Description of the Accused	
Name	:	Madhu	
Father's Name/ Mother's Name	:	Somasekharan Pillai	
Religion and Caste	:	-	
Occupation	:	-	
Residence	:	Mohanavilasathil, Kaduvathod, Pattazhi, Vadakkekaramuriyil, Pathanapuram.	
Age	:	47 Years	
Occurrence	:	12.05.2006	
Complaint	:	12.05.2006	
Apprehension	:	12.05.2006	
Release on bail	:	09.06.2006	
Commitment	:	28.12.2012	
Commencement of trial	:	02.02.2026	
Close of trial	:	28.12.2012	
Sentence or Order	:	<i>Accused herein (A2 in the final report) is acquitted of the offences punishable u/Ss.489-B and 489-C of IPC as provided under Section 235(1) Cr.PC. His bail bond stands cancelled and he is set at liberty.</i>	
Name of Committing Magistrate	:	Smt. Lajumol Sherif, Judicial 1 st Class Magistrate, Adoor.	
Explanation for delay	:	-	

Additional Sessions Court II,
Pathanamthitta,
Dated : 26..03..2026.

**Sd/-
Additional Sessions Judge-II**