



**IN THE HIGH COURT OF ANDHRA PRADESH  
AT AMARAVATI  
(Special Original Jurisdiction)**

**[3560]**

**FRIDAY, THE TWENTIETH DAY OF FEBRUARY  
TWO THOUSAND AND TWENTY SIX**

**PRESENT**

**THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA**

**CRIMINAL REVISION CASE NO: 1260/2008**

**Between:**

1.KAMISETTY VENKATA SATYANARAYANA, S/O BHASKARA RAO,  
BUSINESS, COLLEGE STREET, KOTHAPETA, EAST GODAVARI  
DISTRICT.

**...PETITIONER**

**AND**

1.THE STATE OF AP, REP. BY ITS PUBLIC PROSECUTOR, HIGH  
COURT OF A.P., AT HYDERABAD.

**...RESPONDENT**

Revision filed under Section 397/401 of Cr.P.C praying that in the circumstances stated in the affidavit filed in support of the Criminal Revision Case, the High Court may be pleased to present this Memorandum of Crl.R.C., against the Judgment made in Crl.A.No. 124 of 2008, dt. 22-7-2008 on the file of the VI Addl. Sessions Judge, (FTC) East Godavari District, Rajahmundry, confirming the Judgment of the Prl. Asst. Sessions Judge, Rajahmundry in SC.No. 297 of 2007, dt. 08-04-2008.

**IA NO: 1 OF 2008(CRLRCMP 1700 OF 2008**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the sentenced imposed in Crl.A.No. 124 of 2008, dt. 22-7-2008 on the file of the VI Addl. Sessions Judge, (FTC) East Godavari District, Rajahmundry confirming the Judgment of the Prl. Asst. Sessions Judge, Rajahmundry, in S.C.No.297 of 2007, dt.08-04-2008 by releasing the petitioner on bail, pending disposal of the above Crl.R.C.

**Counsel for the Petitioner:**

1.SIDDARTH C B

**Counsel for the Respondent:**

1.PUBLIC PROSECUTOR

**The Court made the following Order:**

The instant criminal revision case was preferred against the order of conviction and sentence passed by the learned trial Court confirmed by the learned appellate Court against the present petitioner whereby the petitioner/A1 and A2 found guilty for the offence punishable under Section 489 (c) IPC and imposed rigorous imprisonment for three years each and to pay fine of Rs.10,000/-, in default, simple imprisonment for three months.

2. Learned counsel for the petitioner submits that the order of conviction and sentence imposed by the learned trial Court is baseless and illegal. The ingredients for the offence punishable under Section 489 (c) IPC has not been properly made out by the prosecution for which the order of conviction and sentence is perverse. He further submits that no independent witness has proved the prosecution case regarding recovery of counterfeit currency notes from the possession of the petitioner. He further submits that the learned trial Court as well as the learned appellate Court has not properly dealt with the issue thereby the order of conviction is liable to be set aside.

3. Learned Assistant Public Prosecutor submits that the learned trial Court has properly gone through the evidence on record and also perused the conduct of hostile mediators, who were influenced by the accused person and has suppressed the truth, thereby, the other witnesses i.e., PWs.3 and 4 supported the prosecution case and also asserted the presence of the mediators at the time of seizure. Hence, the order of conviction against the present petitioner is maintainable. He further argued that the learned appellate

Court also decided the issue properly, thus, there is no merit in the instant criminal revision case.

4. Heard learned counsel for the parties.

5. To ascertain the factum as well as the probative value of the evidence before the learned trial Court, it is required to set out brief note of the prosecution case as follows:-

On 17.01.2006, Sub-Inspector of Police received information about circulation of fake currency notes then he collected two mediators and proceeded to a market area at Donkarai; petitioner and A2 were found at the shop of petitioner, after found the police staff, they tried to abscond, police personnel apprehended them and effected their arrest. On interrogation in the presence of mediators, both of them have confessed their involvement in the circulation of fake currency notes and also named another person to be their co-accused, A1 produced 24 counterfeit currency notes of Rs.500/- denomination and from the possession of A2, Rs.5900/- with nine Rs.500/- denomination and fourteen Rs.100/- denomination counterfeit currency notes were recovered, they were arrested by two separate arrest memos and panchanama/seizure list was also drafted and prepared at the same place. Seizure of currency notes were sent for examination before the Director, FSL, Hyderabad. FSL sent opinion that seized notes are not genuine one.

6. To prove the case, prosecution has produced as many as four witnesses among them PWs.1 and 2 are the private mediators, PWs.3 and 4 are the police personnel including the investigating officer, who was present at

that time. Admittedly, PWs.1 and 2 did not support the prosecution case. During cross-examination, PW.1 stated that about two years back they were called by Sub-Inspector of Police, Donkarai Police Station, as per demand of police, he drafted a report in the police station itself and signed thereon. He was declared hostile and several questions were asked but he never supported the prosecution case to the fact that he was present at the time of seizure, similarly PW.2 another panch witness also not supported the prosecution case and turned hostile. PW.3 is a police constable, who according to the prosecution case, was present at the time of seizure and supported the prosecution case. PW.4 is Investigating Officer of this case.

7. On the basis of such evidence on record, learned trial Court observed that PWs.1 and 2 are panch witnesses, on the influence of the accused person turned hostile and did not supported the prosecution case and their version was not believed. The conviction was recorded on the basis of charge sheet and on the evidence of PWs.3 and 4. The learned trial Court, in deciding such issue, is of the opinion that though PWs.3 and 4 are the police officers their evidence cannot be disbelieved.

8. Let me consider whether the observation of the learned trial Court as well as learned appellate Court is correct and maintainable in the present perspective of this case.

9. Charge has been leveled against the present petitioner under Section 489 (c) IPC. An offence of possessing counterfeit notes is as follows:

**489C. Possession of forged or counterfeit currency-notes or bank-notes.—**

*Whoever has in his possession any forged or counterfeit currency-note or bank-note, knowing or having reason to believe the same to be forged or counterfeit and intending to use the same as genuine or that it may be used as genuine, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.*

10. On plain reading of the provision mentioned herein above, it appears that to prove offence punishable under Section 489(c) IPC, prosecution must have prove that i) accused had conscious possession of such counterfeit notes; and ii) the accused person consciously tried to use such counterfeit notes.

11. To prove the ingredients, in this particular case, prosecution placed PW.1 and 2/mediators, who supposed to prove seizure of counterfeit notes from the possession of the petitioner, but they did not support the prosecution case, only PW.3, who is police witness, supports the prosecution case, on the basis of it, learned trial Court and learned appellate Court has recorded conviction. In my view, the seizure of counterfeit notes, in a case for the offence punishable under Section 498(c) IPC, is a primary objective which the prosecution must prove beyond all reasonable doubt. The evidence of Police witness is not sufficient to record conviction. The panch witness turned hostile; during cross-examination by the prosecution, their version regarding non-presence at the time of seizure was not shaken, thereby the prosecution has miserably failed to prove that the alleged counterfeit currency notes were

seized from the possession of the petitioner. So, before dealing with an offence punishable under Section 489 (c) IPC, learned trial Court must ascertain that the possession of counterfeit notes by accused has sufficiently proved beyond reasonable doubt. When independent witness are declared hostile, a conviction solely on the basis of police witness is a dangerous proposition, by that way any innocent person may be falsely implicated. Thus, it cannot be said that prosecution has brought home the charge beyond all reasonable doubt. Reasons thereby, the learned trial Court and the learned appellate Court have illegally recorded the order of conviction. Under the above noted, the order of conviction passed against the petitioner by the learned trial Court as well as the learned appellate Court appears to be perverse one. Therefore, the judgment dated 08.04.2008 in Sessions Case No.297 of 2007 of the learned Principal Assistant Sessions Judge, Rajahmundry as well as judgment dated 22.07.2008 in Criminal Appeal No.124 of 2008 are hereby set aside.

12. Accordingly, the petitioner/A1 is hereby acquitted from this case.
13. The sureties standing in favour of the petitioner are also released.
14. On the above observation, the Criminal Revision Case is allowed.

As a sequel, pending miscellaneous applications, if any, shall stand disposed of.

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**JUSTICE SUBHENDU SAMANTA**

Date : 20.02.2026

SPP

**THE HON'BLE SRI JUSTICE SUBHENDU SAMANTA**

**CRIMINAL REVISION CASE No.1260 of 2008**

**Dated 20.02.2026**

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