Jitendra Rai Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Sep-23-2013

Appellant : Jitendra Rai

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Sanjay Singh

Judgement :

M.Cr.C.Nos.4243/2013 & 5023/2013 23.09.2013 Shri Sanjay Singh, counsel for the applicants.

Shri S.D.Khan, Government Advocate for the respondent/State.

Heard on admission.

Since both the petitions are connected with the same crime therefore, decided by a common order.

The facts of the case are that on 17.2.2012, an FIR was lodged by the officers of the State Bank of India that the accused persons namely Manoj Singh Dhurve and Mukesh Kardade brought 89 fake currency notes of denomination of `500/- and therefore, they tried to deposit a sum of `44,500/- in the State Bank of India.

It was found that the accused Mukesh took the currency from the applicants, who are the officers of Indusind Bank.

Learned counsel for the applicants has submitted that the applicants received the sum from Kantilal Rana as well as Gyaniram and they have accepted that the fake currency was deposited by these persons therefore, there was no fault of the applicants.

On the other hand, the learned Government Advocate has submitted that at present, it is apparent from the circumstantial evidence that the applicants received the fake currency or not, but they sent the fake currency to deposit before the State Bank of India.

If they were the bank officers then, it was their duty to check the currency notes before accepting the same, but it is nowhere told by the applicants as to why they did not check the currency before getting it for the bank.

Under such circumstances, this possibility cannot be ruled out that the applicants were also peddling the currency notes with Kantilal etc.or the fake currency is introduced by them to deposit in the State Bank of India.

After considering the submissions made by the learned counsel for the parties and looking to the facts and circumstances of the case, it is apparent that it was the duty of the applicants to check the currency before depositing into the account of the bank and it is the matter of evidence to show that they were not indulged in the business of fake currency or fake currency was received from someone else.

However, if the fake currency was deposited in such a huge number then, prima facie, it can be said that the applicants were also involved in the alleged crime.

All the things depend upon the evidence collected by the prosecution and therefore at this stage, it cannot be said that prima facie, no offences punishable under Sections 489-A, 489-B or 489-E of IPC are made out against the applicants.

Under such circumstances, the crime registered against the applicants cannot be quashed.

On the basis of aforesaid discussion, the petitions under Section 482 of Cr.P.C.filed by the applicants namely Ravikant Pardhi and Jitendra Rai cannot be accepted and hence, both are hereby dismissed at motion stage.

Copy of the order be sent to the trial Court for information.

(N.K.GUPTA) JUDGE pnkj