

AMAR NATH  
District & Sessions Judge  
New Delhi District, PHC  
Main Building, R. No.10, GF

IN THE COURT OF SH. AMAR NATH, DISTRICT & SESSIONS JUDGE/  
SPECIAL COURT NIA, NEW DELHI

Case CNR No. DLND01000928-2015  
SC No. 02/2015  
RC No.03/2015/NIA-DLI  
U/s 120B/489B/489C IPC and  
Section 16, 18 & 20 of UA(P)Act 1967 (as amended in 2012)

In re:

NIA

Vs.

1. Samir Mansuri  
S/o Sh. Mubarik Khan Mansuri  
R/o Ward no. 10, Mohalla Piplipura, Village,  
Post office and Police Station - Barod,  
District Agar Malwa, Madhya Pradesh.

2. Kudarat Khan  
S/o late Sh. Habib Khan  
R/o Ward no. 9, Mohalla Piplipura, Village,  
Post office and Police Station - Barod,  
District Agar Malwa, Madhya Pradesh.

3. Sonaul @ Sona @ Mama  
Late Sh. Terajuddin @ Tera  
R/o Village Jagdishpur, Post Office, Jadupur,  
Police Station Kaliachak, District Malda, West Bengal.

Date of filing of charge sheet : 21.08.2015  
Date of framing of charge : 23.02.2016  
Date of judgment : 09.02.2017

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Appearances:

Sh. Surender Singh, Ld. PP, NIA.

Accused Samir Mansuri, Kudarat Khan and Sonaul @ Sona @ Mama are produced from J/C.

Sh. Shivam Chowdhry, Ld. Counsel for accused Samir Mansuri.

Sh. Manoj Lohia, Ld. Counsel for accused Kudrat Khan.

Sh. Bishnu Kumar, Ld. Counsel for accused Sonaul @ Sona @ Mama.

JUDGEMENT

Initially this case was registered with PS Special Cell, Delhi Police, New Delhi vide FIR No.15/2015 on 25.02.2015 u/s 120-B,489-B and 489-C IPC. After recovery of Fake Indian Currency Notes (FICNs) from the possession of the accused Samir Mansuri and Kudarat Khan, they were arrested in the case on the same day i.e.25.02.2015. During investigation/interrogation in police custody, accused Samir Mansuri and Kudarat Khan admitted their involvement in the case disclosing that the recovered FICN were supplied by one of the accused namely Sonaul @ Sona @ Mama s/o Sh. Terajuddin r/o Village Jagadishpur, PO-Jadupur, PS-Kaliyachak, Distt.-Malda, West Bengal on 23.02.2015. Accused Sonaul @ Sona @ Mama was arrested on 23.06.2015. During interrogation, he disclosed that he had supplied this consignment of FICN.

2. Pursuant of order no.11011/26/2015-IS-IV dated 30.4.2015 of Ministry of Home Affairs, Govt.of India, National Investigation Agency (NIA) re-registered the above case with number, RC No. 03/2015/NIA/DLI in NIA Police Station, New Delhi.

3. After completion of the investigation, Final Report was filed before the court and the accused persons namely Samir Mansuri, Kudarat Khan, Shahjahan Sheikh



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@ Tunum Malek Sheikh and Sonaul @ Sona @ Mama were challened to stand trial. Accused Shahjahan Sheikh @ Tunu and Malek Sheikh were not charge sheeted and as such they were not required to be kept in Judicial custody and hence, they were discharged, vide order dated 01.06.2016.

4. A charge was framed against the accused Samir Mansuri and Kudarat Khan for the offence punishable under section 120B, 489B, 489C IPC and 16, 18 & 20 of Unlawful Activities Prevention Act 1967 ( as amended) and against accused Sonaul @ Sona @ Mama for the offence punishable under section 120B, 489B IPC and 16, 18 & 20 of Unlawful Activities Prevention Act 1967 ( as amended), to which they pleaded not guilty and claimed trial.

5. I have heard the arguments advanced by the Ld. Defence Counsel and Ld. PP for NIA at length and carefully perused the material placed on record.

6. The facts of the present case are that on 24.02.2015, PS Special Cell New Delhi received source information that accused Samir Mansuri (A-1) along with his associate namely Kudarat Khan (A-2) has collected huge consignment of FICN from their another associate Jafiquil @ Sona @ Mama (A-3) on 23.02.2015 and started from Malda to Delhi on the same day by Farakka Express Train which would arrive at Old Delhi Railway Station in the morning of 25.02.2015. Accordingly, a team of officers of PS Special Cell, Delhi Police arrived at the concerned platform where the aforesaid train arrived at about 1055 hrs and after identification of the aforesaid two accused persons by the secret source, Samir Mansuri and Kudarat Khan were detained in the general coach of Farakka Express which arrived at platform no. 5 on Old Delhi Railway station at about 1055 hrs on 25.02.2015. Thereafter, they were

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brought at Railway Ahaar Stall no. 107 at platform no. 5. On search of the black colour canvas shoulder bag of the accused Samir Mansuri, 20 wads of FICN, each containing 100 notes (total 2000 notes) of Rs. 500/- denomination amounting to a sum of Rs. 10,00,000/- kept in a secret cavity of the bag were recovered and seized in the presence of witnesses. Photographs were also taken at the time of seizure. Similarly, on search of mahroon colour canvas shoulder bag of the accused Kudarat Khan, 13 wads of FICN (total 1300 notes) of Rs. 500/- denomination and 3 and a half wads of FICN (total 350 notes) of Rs. 1000/- denomination, amounting to Rs. 10,00,000/- kept in a secret cavity of the bag were recovered. On interrogation, both the accused disclosed that they had collected these aforesaid FICN from their associate Jafiqul @ Sona @ Mama resident of Kaliachak, Malda, West Bengal. They also revealed that out of this consignment, FICN of Rs. 5,00,000/- denomination was to be delivered in Delhi to one of the associate of accused above named (A-3) from Punjab, who would contact them and accordingly, they were arrested.

7. On the personal search of the accused Samir Mansuri, two mobile phones, one SIM card of Airtel and two SIM Cards of Videocon along with some identity documents, some cash and a railway general travel ticket no. 97182182 of Rs. 335/- from Malda town to Delhi Junction from 23.02.2015 were recovered from his possession. Similarly, from the personal search of accused Kudarat Khan, one mobile phone, one Airtel SIM card, some cash and one Railway ticket no. 97182183 from travel from Malda town to Delhi junction for 23.02.2015 were recovered from his possession and seized.

8. The Special Cell, Delhi Police forwarded the seized FICN to CFSL CBI, New Delhi for their expert opinion who thereafter sent its preliminary report vide its file no.



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CFSL-2015/D-255/1211 dated 16.04.2015 stated therein that the disputed FICN appear to be High Quality, on random examination. In another expert opinion, on examination of a part of the recovered FICN vide no. CFSL-2015/D-255/1363 dated 01.05.2015, the CFSL has opined that the questioned Indian Currency notes are Fake Indian Currency Notes (FICN). On examination of accused Samir Mansuri, he disclosed several names of associates in this organised supply and purchase of FICN. He stated that he and Bhojraj Singh @ Pappu Singh (A-4) used to receive consignment of FICN from Kaliachak, Malda and travel in general coach of trains as it was comparatively safe and he used to receive 10% commission on each deal. On verification of criminal record of accused Samir Mansuri and Kudarat Khan, it is revealed that accused Samir Mansuri is also involved in one Case bearing No. 317/12, u/s 34/489B/489C IPC, pertaining to FICN smuggling at PS Madhav Nagar Ujjain, M.P, however, no previous criminal record was found in respect of accused Kudarat Khan.

9. It is alleged that the accused Samir Mansuri and Kudarat Khan were trapped red handedly and asserted with 20 wads of FICN, each containing 100 notes (total 2000 notes) of Rs. 500/- denomination amounting to a sum of Rs. 10,00,000/-. He disclosed that the aforesaid FICN were collected from co-accused Jafiqui @ Sona @ Mama (A-3). They also disclosed about the entire conspiracy behind the FICN.

10. On being satisfied as to prima facie materials and proper sanctions from the competent authority to prosecute the case, this Court took cognizance for the aforesaid offences, All the charge sheeted accused are in judicial custody. The copies of prosecution papers were furnished to the accused before the Court as required under S.207 of Cr .P.C. Subsequently, after giving opportunity of hearing,



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charges were framed against Accused Nos.1, 2 and 3 on 23.02.2016, When the said charges were read over and explained to the accused, all of them pleaded not guilty and claimed to be tried. In the above circumstances, the prosecution was asked to adduce evidence to prove the accusation made against the accused.

11. During the pendency of the case, the prosecution had examined 9 witnesses. PW-1 ASI Om Prakash proved the original FIR No. 15/2015 Ex. PW-1/A, rukka Ex. PW-1/B and photocopy of the rapat roznamcha register containing the entries pertaining to the arrival entry at serial no. 7 dated 25.02.2015 and showing the departure entry as DD no. 8 Ex. PW-1/C (OSR). PW-2 HC Sanjiv proved the CFSL form vide which case property was deposited vide entry no. 2497 Ex. PW-2/A (OSR), photostate copy of road certificate issued Ex. PW-2/B (OSR) and carbon copy of the original road certificate bearing the endorsement of CFSL department Ex. PW-2/C. PW-3 Sh. Prabhakar Kumar, Manager Operation in United Bank of India, Malda proved the request letter dated 24.06.2015 which was given to him at the relevant time with request to provide bank details of the account holders Ex. PW-3/A, the account opening form of Sonaul Ex. PW-3/B, photocopy of the ration card and voter I Card Ex. PW-3/C (Colly.), xerox copy of the account opening form of another SB account no. 0972010120616 Ex. PW-3/D and xerox copy of the account opening form of Ms. Selina Bibi w/o Sonaul Ex. PW-3/E. PW-4 ASI Ram Chandra Saha proved the search memo dated 22.06.2015 Ex. PW-4/A, a black coloured handset of Micromax phone with crack screen (exhibit Q4) Ex. PW-4/B and its envelop Ex. PW-4/C, mobile box of Micromax Company Model No. A082 which was recovered from the house search of the accused Samir Mansuri along with the evidence bag of polythene Ex. PW-4/D (colly.). Original cash memo of Rs. 5000/- (bill serial no. 933 dated 16.10.2014) recovered from the shelf of the house of the



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accused Sonaul along with the polythene bag of evidence Ex. PW-4/E and a black coloured handset of Nokia phone (exhibit Q5) which was recovered during the search of the house of the accused Sonaul Ex. PW-4/F and its envelop Ex. PW-4/G. PW-5 Sh. Bhushan Kumar, Manager (RBD) at SBI, Malda Branch (deferred witness) proved the rough sketch plan Ex. PW-5/A. PW-6 Sh. N.S. Bisht, Under Secretary, Ministry of Home Affairs proved the sanction order dated 19.08.2015 for prosecuting the accused Samir Mansuri and Kudarat Khan Ex. PW-6/A and sanction order dated 18.12.2015 for prosecuting the accused Sonaul @ Sona @ Mama Ex. PW-6/B. PW-7 Sh. D.R. Handa, Senior Scientific Officer proved the forwarding letter of ACP Special Cell sent to Director CFSL Ex. PW-7/A, preliminary report dated 16.04.2015 Ex. PW-7/B, detailed CFSL report no. 2015/D-255 dated 30.04.2015 Ex. PW-7/C and its forwarding letter dated 01.05.2015 which was forwarded by the then Director Dr. Rajender Singh Dangi Ex. PW-7/D, detailed report CFSL 2015/D-511 dated 12.05.2015 Ex. PW-7/E and its forwarding letter dated 19.05.2015 which was forwarded by the then Director Dr. Rajender Singh Ex. PW-7/F, detailed report CFSL 2015/D-512 dated 29.05.2015 Ex. PW-7/G and its forwarding letter dated 04.06.2015 which was forwarded by the then Director Dr. Rajender Singh Ex. PW-7/H, detailed report CFSL 2015/D-513 dated 11.06.2015 Ex. PW-7/J and its forwarding letter dated 18.06.2015 which was forwarded by the then Director Dr. Rajender Singh Ex. PW-7/K, detailed report CFSL 2015/D-514 dated 03.07.2015 Ex. PW-7/L and its forwarding letter dated 14.07.2015 which was forwarded by the then Director Dr. Rajender Singh Ex. PW-7/M and detailed report CFSL 2015/D-515 dated 30.07.2015 Ex. PW-7/N and its forwarding letter dated 04.08.2015 which was forwarded by the then Director Dr. Rajender Singh Ex. PW-7/P. PW-8 Sh. H.K. Singh, Station Manager, Malda Division proved letter dated 03.06.2015 Ex. PW-8/A which he has submitted to NIA Official for verification of booking ticket and PW-9 SI Prahalad



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Purohit, PS Nimach, Madhya Pradesh.

12. During the course of the trial, accused Samir Mansuri filed an application dated 22.12.2016 seeking permission to plead guilty for all the charges framed against him. Similarly, accused Kudarat Khan (co-accused) has also moved an application dated 20.01.2017 for pleading guilty with the same prayer. On questioning the accused persons they stated that they have moved their respective applications voluntarily, after consulting their family members and their counsels as well. Even this Court appraised them about the consequences of pleading guilty in the case and matter was adjourned so as to give them some more time to re-consider their decisions.

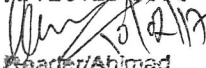
13. Notices of the applications were given to the NIA who have filed "No Objection" in the shape of a written reply. Thereafter, on 31.01.2017, the separate statements of the accused Samir Mansuri and Kudarat Khan were recorded to that effect wherein they stated that they sought to plead guilty after knowing the consequences thereof voluntarily without any force or pressure with a request to take a lenient view.

14. In **State of Maharashtra Vs. Sukhdeo Singh reported in 1992 SCC (Cri) 705, Hon'ble Apex Court** has categorically held that there is nothing in Chapter VIII of the Code of Criminal Procedure which prevents an accused from pleading guilty at any subsequent stage of the trial after framing of charge. Thereby it becomes clear that plea of guilty can be advanced by an accused at any stage of the trial after framing of charge. Further, it is well settled that the Court must act with caution and circumspection before accepting and acting on the plea of guilty and the plea must



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be clear, unambiguous and unqualified. Further, the Court must be satisfied that the accused has understood the nature of the allegations made against him and admits them. In the above circumstances, it is required for this Court to examine as to whether the plea of guilty of the accused can be accepted? If so, whether conviction can be based on such plea of guilty?

15. Even the Counsels appearing for the accused before the Court stated that they have explained to each of the accused about the consequences of pleading guilty and that they have discharged their professional duty to the best of their ability. Thereby, there are sufficient materials on record to satisfy the Court that the accused have opted to plead guilty for the charges framed against them, after fully understanding the nature of the allegations made against them and consequences thereof.

16. It is also important to note that initially when the charges were framed, read over and explained to the accused, they had pleaded not guilty and claimed to be tried. They have chosen to plead guilty after about one year from the date of framing charges against them. The accused have explained their conduct by contending that on earlier occasion they had not properly understood the charges framed against them. The probability of such contention cannot be ruled out. More importantly, this Court has to satisfy itself that the accused have understood nature of allegations made against them and that their plea of guilt is clear, unambiguous and unqualified. The facts and circumstances of the case and the contents of the applications satisfy the above requirements for accepting and action on the pleas of guilt. Such satisfactions permit this Court to accept and act on plea of guilt. Further, the plea of guilt amounts to an admission of all the fact constituting the offence. In view of the



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same, the plea of guilt by the accused persons vide their respective applications is accepted.

17. For the foregoing reasons, I am of the considered opinion that the court can proceed by invoking the provisions under section 229 of Code of Criminal Procedure, 1973 to convict the accused persons on the basis of pleaded guilty. Accordingly, I convict accused Samir Mansuri and Kudarat Khan for the offences punishable under section 120B, 489B, 489C IPC and Sections 16, 18 & 20 of Unlawful Activities Prevention Act 1967 (as amended).

Copy of judgment be given dasti to the parties.

Announced in the open court on this  
9th day of February, 2017

(AMAR NATH)

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