HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION
APPELLATE SIDE

Present:
The Hon'ble Justice Jay Sengupta

CRA (SB) 40 of 2026
CRAN 1 of 2026
(via video conference)

Md. Ohidul Islam
Vs.
The State of West Bengal

For the Appellant	:	Md. Anwar Hossain, Mr. Benajir Hasna, Mr. Aliul Islam.
For the State	:	Mr. Kallol Mondal, ld. PP., Mr. Aditya Tiwari, Ms. Namrata Chatterjee.
Heard on:		14.10.2026
Judgment on:		14.10.2026

JAY SENGUPTA, J:

1. The present appeal is directed against judgment and order dated 29.01.2026 passed by the learned Additional Sessions Judge, 1st Court Fast Track Court, Jangipur, Murshidabad in Sessions Trial Case No.1 of 2024 (Sessions Case No.124 of 2023), thereby convicting the appellant for commission of offence punishable under Section 489C of the Penal Code and sentencing him to suffer rigorous imprisonment for three years and six months and also to pay a fine of Rs.5000/- with a default clause.

2. Learned counsel appearing on behalf of the appellant submits as follows. The appellant has already undergone sentence of imprisonment for three years five months and seventeen days out of a sentence of imprisonment for three years and six months imposed by the learned Trial Court. Although the appellant has merits in his case, he does not want to press the application any further. At this stage, learned counsel appearing on behalf of the appellant submits that if the fine amount has not been paid, the same will be paid at the earliest.

3. Heard the learned counsel appearing on behalf of the State. He submits that there is one independent witness to the seizure.

4. Once an appeal is admitted, it cannot not be disposed of as not pressed and has to be decided on merits.

5. However, it appears that, at present, the appellant does not want to proceed with the matter because he has nearly covered the sentence of imprisonment that was imposed upon him.

6. The prosecution case is in nutshell is that on 26.04.2023, at about 13.05 hrs., a secret information was received through source that on 27.04.2023 afternoon one FICN dealer would come to a place at Chander More near toll tax area under Suti Police Station to circulate FICN in business deal. A raiding party was made ready. General Diary was recorded. After receiving assistance from Suti PS, the raiding party reached at Sajur More under Suti PS and met their source. After consulting the source, they reached at Chander More and placed themselves strategically along with the team of police personnel. At about 12.45 hrs, the source indicted to a person with a red colour Bajaj Platina 100ES motorcycle who came few minutes back and stopped in front of bus stand shed. The targeted person was surrounded and detained. He disclosed his identity and

the identity of his team members. In spite of several requests, none of the local people agreed to come forward as witness. Thereafter, searches were conducted in presence of available witnesses. One bundle of FICNs containing 100 pcs of notes having denomination of Rs.500/- each amounting to Rs.50,000/- and another bundle of FICNs containing 88 pcs of notes having denomination of Rs.500/- each, amounting to Rs.44,000/- were found wrapped in a black plastic from the right side pocket of the full pant worn by the accused. Upon recovery, the notes were found not to conform with the genuine Indian currency notes. Upon interrogation, the detainee disclosed that he had collected FICNs from his Bangladeshi agent.

7. Accordingly, an FIR was started. Soon thereafter, charge sheet was submitted. Charges were framed and the trial started. As many as 12 witnesses were examined out of whom, there were 3 seizure witnesses. Several local witnesses were examined. As many as 20 exhibits were produced in the case including the examination expert report. The prosecution was able to prove its case beyond all reasonable doubt.

8. Therefore, this is a case where the petitioner was caught red-handed with FICNs. Witnesses including seizure witnesses and the expert opinion, all supported the prosecution case.

9. Considering the above, the other evidence and the materials on record, I find no reason to take a different view that the Trial Court, as regards the conviction of the appellant. However, it appears that the appellant has already undergone bulk of the sentence of imprisonment imposed being 3 years 5 months and 17 days out of a total period of 3 years and 6 months.

10. In view of the above, this Court hereby affirms the impugned judgment of conviction, but modifies the sentence to the period already undergone.

11. Accordingly, the appeal is disposed of.

12. The appellant shall be released from custody forthwith upon payment of fine imposed, if not paid already and subject to necessary formalities.

13. Let the records of the case and copy of the judgment be transmitted to the learned Trial Court at the earliest by special messenger.

14. Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)

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