



2026:DHC:3823



\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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*Reserved on: April 28, 2026*  
*Pronounced on: May 05, 2026*

+ **CRL.REV.P. 294/2024**

**FARUKH SHEIKH**

**...Petitioner**

Through: Mr. Rajesh Manchanda and Mr.  
Mayank Nautiyal, Advocates  
(DHCLSC)

Versus

**STATE (GOVT. OF NCT DELHI)**

**.....Respondent**

Through: Ms. Meenakshi Dahiya, APP for  
the State with Ms. Vanshika  
Singh, Mr. Aditya Vikram  
Singh, Mr. Bhanu Pratap and  
Ms. Apoorva Khosla, Advocates  
alongwith SI Sahil Gahlawat, PS  
Special Cell

**CORAM:**

**HON'BLE MR. JUSTICE SAURABH BANERJEE**

**J U D G M E N T**

1. By way of the present petition under *Section 397* read with *Section 401* of the Code of Criminal Procedure, 1973, the petitioner seeks setting aside of the orders dated 23.11.2023 and 11.12.2023 passed by the learned ASJ-02, Patiala House Courts, New Delhi<sup>1</sup> in SC No.442/2022 entitled '*State vs. Aniqul Islam & Ors.*' insofar as it directs framing of charges under *Sections*

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<sup>1</sup>Hereinafter "*learned Trial Court*"



489B/489C/120B of the Indian Penal Code, 1860<sup>2</sup> read with *Section 16* of the Unlawful Activities Prevention Act, 1967<sup>3</sup> against the petitioner.

2. *Briefly put*, on 17.06.2022, a secret information was received that two persons, namely Sahim and Anikul Islam, were involved in supply of Fake Indian Currency Notes<sup>4</sup> after procuring them from the present petitioner and Kasim for delivering them to one Rahis between 11:00 AM and 12:30 PM near Dilshad Garden Metro Station. As such, thereupon, a raiding team was constituted and upon identification by the informer, Sahim and Anikul Islam were apprehended. During personal search, one black polythene from each of them was recovered from the left pocket of their jeans, both containing one bundle of Rs.2,000/- denomination currency notes, containing 100 leaves/notes each, wrapped in paper with distinct markings. The notes appeared to be counterfeit on cursory examination. Both accused were apprehended along with the recovered currency, and the present FIR under *Sections 489B/489C IPC* came to be registered.

3. During investigation, the co-accused persons in their statements disclosed that they use to procure the FICN from the present petitioner and Kasim, both residents of West Bengal. Thereafter, on 06.07.2022, the recovered FICN were sent to the Currency Note Press, Nashik for expert examination. As per its report dated 27.07.2022, all 200 currency leaves/notes of Rs.2,000/- denomination were found to be high-quality counterfeit, with key security features closely imitated. Thereafter, on 10.08.2022, as per

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<sup>2</sup>Hereinafter "*IPC*"

<sup>3</sup>Hereinafter "*UAPA*"

<sup>4</sup>Hereinafter "*FICN*"



procedure and after obtaining approval from the competent authority, *Section 16* of the UAPA was added to the present FIR.

4. Based on the disclosure statements of the co-accused persons, the present petitioner was apprehended on 01.11.2022. Upon search, one bundle of Rs.2,000/- denomination currency notes containing 10 leaves/ notes was recovered. Thereafter, on 24.11.2022, the recovered FICN were also sent to the Currency Note Press, Nashik for expert examination. As per its report dated 25.11.2022, all 10 currency leaves/ notes of Rs.2,000/- denomination were once again found to be high-quality counterfeit, with key security features closely imitated.

5. After filing of the chargesheet on 14.09.2022, and supplementary chargesheet on 27.01.2023, the charges against the accused persons including the petitioner were framed by the learned Trial Court *vide* order dated 23.11.2023 and formal charge *vide* order dated 11.12.2023 was framed.

6. Hence, the present petition seeking setting aside of the impugned orders dated 23.11.2023 and 11.12.2023 passed by the learned Trial Court.

7. Before this Court, learned counsel for the petitioner primarily submitted that a case under the UAPA is not made out against the petitioner as a perusal of the supplementary chargesheet clearly reflects that the petitioner was allegedly apprehended and recovery was made by a team led by a Sub-Inspector, which is violative of the provisions contained under *Section 43* of the UAPA, since the investigation can only be carried out by an officer not below the rank of a Deputy Superintendent of Police or a police officer of equivalent rank, in the present case by the ACP. The learned



counsel further submitted that since the alleged recovery effected from the petitioner was only for Rs.20,000/-, which is less than Rs.1,00,000/-, therefore, in terms of *Rule 5* of the Investigation of High Quality Counterfeit Indian Currency Offences Rules, 2013, a case under *Section 16* of the UAPA is not made out. Moreover, there is also a delay by the prosecution in forwarding the alleged FICN recovered from the petitioner to the notified forensic authority.

8. Learned counsel further submitted that as per prosecution, although the co-accused persons allegedly disclosed the involvement of the petitioner on 17.06.2022, the petitioner was arrested only on 01.11.2022. Based thereon, the learned counsel submitted that the arrest of the petitioner is not due to the alleged disclosure statement of the co-accused persons, but on the basis of independent information received by the Investigating Agency. Lastly, the learned counsel submitted that no inference of a criminal conspiracy can be drawn from the Call Detail Records<sup>5</sup> as the records do not show any immediate communication between the petitioner and the co-accused persons. More so, since the last alleged conversation between the petitioner and co-accused Shariqul Sheikh was on 28.04.2022.

9. On the basis of the aforesaid submissions, the learned counsel for the petitioner seeks setting aside of the impugned orders dated 23.11.2023 and 11.12.2023 passed by the learned Trial Court.

10. *Per contra*, learned APP for the State, relying upon the Status Report, submitted that the impugned orders are well reasoned and the learned Trial

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<sup>5</sup>Hereinafter “CDR”



Court has rightly found sufficient ground to proceed against the petitioner under *Section 228* Code of Criminal Procedure, 1973<sup>6</sup>, more so, since while framing charges, the learned Trial Court is only required to sift and weigh the evidence for the limited purpose of finding out whether or not a *prima facie* case against the accused persons is made out as a meticulous appreciation of evidence is impermissible.

11. Learned APP further submitted that since two of the co-accused Aniqul Islam and Sharikul Sheikh were apprehended with FICN of high-quality and were allegedly part of a fake currency racket operated by the petitioner herein and use to procuring counterfeit currency from him and supplying the same to various persons in Uttar Pradesh, Bihar, and Delhi, a *prima facie* case under *Sections 489B/489C/120B* of the IPC read with *Section 16* of the UAPA is made out. The learned APP further submitted that analysis of the CDR of the mobile numbers recovered from the said co-accused persons during investigation revealed that there was frequent communication with the petitioner herein. The same indicates his/ their involvement in circulation and distribution of FICN in furtherance of their common intention and pursuant to a criminal conspiracy aimed at destabilizing the country's economy.

12. Heard learned counsel for the parties and perused the documents as also the Status Report on record.

13. The statutory framework governing discharge and framing of charges under *Section(s) 227* and *228* of the Cr.P.C are now well-settled and needs no

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<sup>6</sup>Hereinafter "*Cr.P.C*"



further explanation and/ or finding to be arrived in these matters. As per law laid down in *Union of India v. Prafulla Kumar Samal*<sup>7</sup>; *Sajjan Kumar v. CBI*<sup>8</sup>; *Amit Kapoor v. Ramesh Chander*<sup>9</sup>; and *State of Gujarat v. Dilipsinh Kishorsinh Rao*<sup>10</sup>, at the stage of framing of charges, the Court is not required to conduct a *mini trial* as it is only to ascertain the existence of a *prima facie* case, without delving into the probative value of the material available on record. A conjoint reading of *Section(s)* 227 and 228 of the Cr.P.C thus clearly establishes without doubt that while doing so, the Court is only to consider the material/ documents available on record, hear the submissions advanced by the prosecution as also the accused for determining as to whether sufficient grounds exist for proceeding against the accused.

14. In fact, even a remote link between the accused and the alleged offence may suffice to draw a reasonable *prima facie* inference to proceed for framing of charges against the accused. If the materials available on record *prima facie* do not disclose grounds, the accused is liable to be discharged under *Section 227* of the Cr.P.C. Conversely, if there are sufficient grounds/ materials on record to presume that the accused has committed an offence, and/ or was directly or indirectly involved therein, the Court has to proceed for framing of charges under *Section 228* of the Cr.P.C. Moreover, it has to be borne in mind that all the factors raised for consideration by an accused would only be available after conclusion of trial. The same is *de hors* the

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<sup>7</sup> (1979) 3 SCC 4

<sup>8</sup> (2010) 9 SCC 368

<sup>9</sup> (2012) 9 SCC 460

<sup>10</sup> (2023) 17 SCC 688



final outcome after the conclusion of trial, as also this is not the stage of final determination.

15. Bearing the aforesaid in mind, the submissions made by learned counsel for the petitioner is *premature*, which will have to withstand trial. Although, the issue regarding alleged FICN recovered from the possession of the petitioner worth only Rs.20,000/- (*10 leaves/ notes*) in terms of *Rule 5* of the Investigation of High-Quality Counterfeit Indian Currency Offences Rules, 2013 and the submission of the learned counsel for the petitioner that a case under the provisions of the UAPA is not made out, is dependent upon the nexus, which requires trial as they are all intrinsically inter-connected with various factors.

16. This is a case wherein the total FICN recovered from the accused persons is worth Rs.4,20,000/- (*210 leaves/ notes*) all of which is stated to be high-quality counterfeit, with key security features closely imitated; and that the disclosure statements of the co-accused clearly state that the present petitioner was the supplier of the recovered FICN; and that there is sufficient CDR connectivity *inter se* the accused; and moreover this Court is dealing with a case of the petitioner being involved in counterfeiting of Indian Currency Notes. Keeping the aforesaid in mind, as also the impact and ramification thereof on the overall economy of the country, there were sufficient materials on record for the learned Trial Court to frame charges against the petitioner under *Sections 489B/489C/120B* of the IPC read with *Section 16* of the UAPA.



17. Regarding, the threshold of invoking *Section 16* of the UAPA not being met *qua* the petitioner; and recovery being violative of the provisions contained under *Section 43* of the UAPA i.e. recovery was made by a team led by a Sub-Inspector, since these are factors to be considered during the course of trial, they cannot come to the aid of the petitioner herein, and that too in the present challenge to the two impugned orders framing charge against him.

18. *Lastly*, and most pertinently, as per law laid down in ***Amit Kapoor vs. Ramesh Chander & Anr.***<sup>11</sup> the scope of jurisdiction under *Section 397(2)* of the Cr.P.C is extremely limited and restricts exercise of revisional powers in respect of interlocutory orders. The said powers are to be exercised sparingly and only in cases where the impugned order suffers from illegality/ perversity/ arbitrariness/ patent error. Therefore, this Court sitting in a revisional jurisdiction has to exhibit circumspection and care while interfering with either of the two impugned orders.

19. Finding no perversity and/ or patent error in the impugned orders dated 23.11.2023 and 11.12.2023 passed by the learned Trial Court, this Court is not inclined to allow the present petition.

20. Accordingly, the present petition is dismissed.

21. Needless to say, observations made on the merits of the matter, if any, are only for the purposes of deciding the present petition and shall not be construed as expressions on merits of the matter.

**SAURABH BANERJEE, J**

**MAY 5, 2026/AB/DA**

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<sup>11</sup> (2012) 9 SCC 460