



**THE HIGH COURT OF SIKKIM AT GANGTOK**  
(Criminal Appellate Jurisdiction)

**JUDGMENT**

**Crl. A. No. 04 of 2013**

Shri Jash Hang Subba,  
Son of Shri Jash Bdr. Subba,  
Resident of Pathang Busty,  
West Pendam,  
East Sikkim. .... **Appellant.**

**- versus -**

State of Sikkim. .... **Respondent.**

**CORAM**

**HON'BLE THE ACTING CHIEF JUSTICE  
MR. JUSTICE N. K. JAIN  
HON'BLE MR. JUSTICE S. P. WANGDI**

**DATE OF JUDGMENT : 14.11.2013**

For Appellant : Mr. S.P. Bhutia, Advocate (Legal  
Aid Counsel).

For State-Respondent : M/s. Karma Thinlay Namgyal,  
Addl. Public Prosecutor and Pollin  
Rai, Asstt. Public Prosecutor for  
the State.

Jain, ACJ (Oral).

Heard learned counsel for the parties.

2. This Criminal Appeal, under Section 374 (2) of the Code of Criminal Procedure, 1973 (for short, Cr.P.C.), is directed against impugned judgment and order dated 24.04.2012, passed by learned Sessions Judge, Special Division-II, East Sikkim at Gangtok, in Sessions Trial Case No. 11 of 2010, whereby, the learned trial Court, while acquitting the appellant under Section 489E I.P.C., convicted and sentenced him as under: -

- (i) Under Section 489A IPC to 10 years imprisonment and a fine of Rs.5000/-,
- (ii) Under Section 489C IPC to 7 years imprisonment and a fine of Rs.5000/-, and
- (iii) Under Section 489D IPC to 10 years imprisonment and a fine of Rs.5000/-.

It was also directed that, in default on payment of fine of Rs.5000/- each, under above sections, the appellant shall further undergo simple imprisonment for a period of 4



months each. All the sentences were ordered to run concurrently.

3. Briefly stated the facts of the case are that a written First Information Report (FIR) (Exhibit -11) was lodged by Officer-in-Charge, Police Station Singtam, District East on 16.09.2006 under Sections 489 A, 489 C, 489 D, 489 E and 34 IPC, on the basis of source information against four persons, namely, (i) Chuwan Subba, (ii) Dip Bahadur Shrestha @ Krishna Prasad Pradhan, (iii) Bikram Rai and (iv) Jash Hang Subba. The contents of FIR are as under: -

"Memo No.156/Sgtm.P.S.  
Dated 16.9.06

To,  
The Chief Judicial Magistrate,  
East and North District at Gangtok,  
District Court, Gangtok.

Date 16.9.2006

Sub:- F.I.R.

Madam,

That on 16.9.2006 at 2010 hrs a source information was received at Singtam Police Station to the effect that one person Chuwang Singh Subba and others are in the process of counterfeiting currency notes inside the house of Chuwang Singh Subba at Sawaney Busty (West Pendam). Accordingly a police raid led by undersigned and party was conducted inside the house of Chuwang Singh Subba, where the following incriminating articles were recovered i.e. (1) Some brownish



coloured liquid in a loose plastic bottle (2) yellowish coloured cut pieces of paper (3) Forged currency note of Rs.100 denomination SI. No.9ER.076569 of R.B.I. (4) 3 Nos. small empty bottles and (5) Blue coloured adhesive tape (6) 12 Nos. of white coloured blank sheets of papers from inside the rented house (Bedroom) of Chuwang Singh Subba in the building of Lt. Shri Narayan Dhamala. Said exhibits in question have been seized in presence of witnesses and alleged Chuwang Singh Subba apprehended for interrogation, and others namely (1) Krishna Pradhan R/o Melli Payong (Souht) (2) Jashang Subba R/o Sawaney Busty and (3) Bikram Rai of Sawaney Busty are absconding with one scanner (CANON).

On the basis of the source information and recovery at Singtam P.S. Case No.41/2006 Dt. 16/9/2006 U/S 489-A, 489-B, 489-D, 489-E/34 I.P.C. registered against Chuwang Singh Subba of Sawaney Busty (West pendam) and others on Suo-Moto and Investigation taken up.

Submitted please.

Ext. 11(a)  
Sd/-

Sd/-  
16.9.2006  
(P.I. Solomon Rai)  
OC/Singtam P.S."

4. On the basis of above report, investigation commenced in the case. The seizure memos etc. were prepared, the accused-persons arrested and after completion of investigation, the police submitted a charge sheet, against the appellant along with three co-accused persons named above.

5. The learned trial Court framed charges against the appellant under Section 489 A, 489 C, 489 D and 489 E



read with Section 120B IPC. The accused-appellant pleaded not guilty and claimed to be tried.

6. The prosecution in support of its case examined the statement of PW-1 Bikash Gurung, PW-2 Shanti Subba, PW-3 Bhaichung Tamang, PW-4 Md. Umesh, PW-5 Nakya Bhutia, PW-6 Rajeshwari Rai, PW-7 Man Bahadur Limbu, PW-8 Udai Pradhan, PW-9 Pritam Dhamala, PW-10 Prakash Sharma, PW-11 Kushal Gazmer, PW-12 Lakpa Lama, PW-13 Vinod Kumar, PW-14 PI Solomon Rai and PW-15 PI Palden Bhutia. Thereafter, the statement of accused- appellant was recorded under Section 313 Cr. P.C., wherein accused-appellant has stated that he is innocent. No evidence was led on behalf of the accused-appellant.

7. Learned trial Court vide its judgment and order dated 24.04.2012, while acquitting the appellant of the charge under Section 489E I.P.C., convicted and sentenced him as mentioned above. Being aggrieved with the conviction and sentence, the appellant preferred this appeal.

8. Learned counsel for appellant argued that charge-sheet in the present case was submitted against four accused persons, namely, Chuwan Subba, Dip Bahadur



Shrestha @ Krishna Prasad Pradhan, Bikram Rai and Jash Hang Subba. However, after appreciation of the entire evidence and records available, the learned trial Court acquitted two co-accused persons, namely, Dip Bahadur Shrestha @ Krishna Prasad Pradhan and Bikram Rai. The present appellant was, however, convicted and sentenced along with the co-accused, namely, Chuwan Subba. He submitted that so far as the co-accused persons, who were acquitted by the trial Court are concerned, admittedly no leave to appeal was preferred by the prosecution before this Court challenging their order of acquittal and their acquittal has attained finality. He further submitted that the co-accused Chuwan Subba, who was convicted and sentenced by the trial Court by the common order along with the present appellant is concerned, he preferred a Crl. Appeal No. 07 of 2012 before this Court and the Co-ordinate Division Bench of this Court, to which one of us (Hon'ble Mr. Justice S.P. Wangdi) was a member, vide its judgment and order dated 28.02.2013 set aside the conviction and sentence of the co-accused Chuwan Subba, passed by the trial Court. The order of acquittal of co-accused Chuwan Subba passed by this Court, has not been challenged by the



prosecution before the **Hon'ble Apex Court** and order of acquittal of Co-ordinate Division Bench of this Court has attained finality. He further submitted that the evidence against the present appellant and the co-accused persons, who have been acquitted by the trial Court as well as by this Court, is same. The case of present appellant is not distinguishable at all in any manner whatsoever. He submitted that there was one set of evidence and from the entire evidence of the prosecution it is clear beyond any reasonable doubt that the case of present appellant is fully covered by the case of co-accused persons who have been acquitted by the trial Court as well as by this Court. He also referred to the statement of prosecution witnesses and submitted that the case of the present appellant is fully covered by the decisions of the Division Bench of this Court dated 28.02.2013 passed in the case of co-accused Chuwan Subba. He also submitted that the reasons assigned by Co-ordinate Division Bench of this Court for acquittal of co-accused are cogent and justified, there is no perversity in the judgment. He, therefore, submitted that for the same reasons, the appeal of the appellant be allowed and his



conviction and sentence passed by the trial Court be set aside and he be acquitted forthwith.

9. Mr. Karma Thinlay, learned Additional Public Prosecutor, has not disputed the above submissions made by the learned counsel for appellant. After going through the entire prosecution evidence, he specifically admitted that there is no distinction between the case of present appellant with the case of co-accused Chuwan Subba, who has been acquitted by this Court vide judgment and order dated 28.02.2013. He also admitted that no State appeal was preferred against the order of trial Court whereby two co-accused persons, namely, Dip Bahadur Shrestha @ Krishna Prasad Pradhan and Bikram Rai, were acquitted. He also admitted that the prosecution has accepted the order of this Court dated 28.02.2013 also and has not challenged the same before the Hon'ble Apex Court and acquittal of co-accused Chuwan Subba has also attained finality.

10. We have considered the submissions of the learned counsel for the parties and examined the impugned judgment as well as record of the trial Court. The charges





framed against the present appellant by the trail Court read as under: -

**"CHARGE WITH SEVERAL HEADS**

I, Mrs. Lakchung Sherpa, Sessions Judge, Special Division II, East Sikkim at Gangtok hereby charge you **Jash Hang Subba** as follows: -

That you on and about 16.09.2006 at Sawaney Busty, West Pendam conspired with accused Chuwan Suba, Bikram Rai, Dip Bahadur Shrestha and agreed to do illegal act to forge Indian Currency Note by illegal means and counterfeited a currency notes of the value of Rs.50/- and Rs.100/- and knowingly performed the part of the process of counterfeiting by collecting while black printing papers, brownish coloured liquid, yellowish coloured cut papers, blue coloured adhesive tape, bundle of white cut papers in the size of Rs.100/- currency note, HP Printer, black coloured changer machine with cord and three pin plug and thereby committed an offence punishable U/S 489 A I.P.C. read with Section 120 B of I.P.C. and within my cognizance.

That you on the same day, time and place in criminal conspiracy with three accused persons we4re in possession of forged currency notes, herein, Ext. A 4, C 8 and C 8 (2) (currency note of Rs.100/- and Rs. 50/-) knowing the same to be forged and counterfeited and intending to use the same as genuine and thereby committed an offence punishable U/S 489 C I.P.C. read with Section 120 B of I.P.C. and within my cognizance.

That you on the same day, time and place in criminal conspiracy with three accused persons performed the process of counterfeiting currency notes by purchasing various colours of liquid, printers, papers, tape, white cut papers of the size of Rs.100/-, changer machine, etc. for the purpose of using the same for forging or counterfeiting the Indian Currency notes o the denomination of Rs.100/- and Rs.50/- and thereby committed an offence punishable U/S 489 D I.P.C. read with Section 120 B of I.P.C. and within my cognizance.



That you on the same day, time and place in criminal conspiracy with three accused persons made a forged Indian currency notes, herein, Ext. A 4, C 8 and C 8 (2) purporting to be or resembling a currency note namely Indian currency note of denomination of Rs.100/- and Rs.50/-. You along with the three accused persons refused to disclose without lawful excuse to P.I. Solomon Rai, a Police Officer on being so required the name and address of the person by whom the document, herein Ext. A 4, C 8 and C 8 (2) were printed while your name appeared on that document and the marking, whereof, is offence under Sub-Section 1 of section 489 E I.P.C. and thereby committed an offence punishable U/S 489 E I.P.C. read with Section 120 B of I.P.C. and within my cognizance.

And I hereby direct you be tried on the above charges.

Dated this 12<sup>th</sup> day of November, 2010

Q. have you understood the charges?

Ans: Yes, I have understood the charges.

Q. Do you plead guilty or claimed trial?

Ans: I plead not guilty and claim trial.

ROAC  
Sd/-  
Jas Hang Subba

Sd/-  
12/11/2010  
Mrs. Lakchung Sherpa  
Sessions Judge,  
Spl. Div. II at Gangtok."

11. The charges framed against the co-accused Chuwan Subba framed by the trial Court also read as under: -

#### " CHARGE WITH SEVERAL HEADS

I, Mrs. Lakchung Sherpa, Sessions Judge, Special Division II, East Sikkim at Gangtok hereby charge you **Chuwan Subba** as follows: -



That you on and about 16.09.2006 at Sawaney Busty, West Pendam conspired with accused Bikram Rai, Dip Bahadur Shrestha and Jash Hang Subba and agreed to do illegal act to forge Indian Currency Note by illegal means and counterfeited a currency notes of the value of Rs.50/- and Rs.100/- and knowingly performed the part of the process of counterfeiting by collecting while black printing papers, brownish coloured liquid, yellowish coloured cut papers, blue coloured adhesive tape, bundle of white cut papers in the size of Rs.100/- currency note, HP Printer, black coloured changer machine with cord and three pin plug and thereby committed an offence punishable U/S 489 A I.P.C. read with Section 120 B of I.P.C. and within my cognizance.

That you on the same day, time and place in criminal conspiracy with three accused persons we4re in possession of forged currency notes, herein, Ext. A 4, C 8 and C 8 (2) (currency note of Rs.100/- and Rs. 50/-) knowing the same to be forged and counterfeited and intending to use the same as genuine and thereby committed an offence punishable U/S 489 C I.P.C. read with Section 120 B of I.P.C. and within my cognizance.

That you on the same day, time and place in criminal conspiracy with three accused persons performed the process of counterfeiting currency notes by purchasing various colours of liquid, printers, papers, tape, white cut papers of the size of Rs.100/-, changer machine, etc. for the purpose of using the same for forging or counterfeiting the Indian Currency notes o the denomination of Rs.100/- and Rs.50/- and thereby committed an offence punishable U/S 489 D I.P.C. read with Section 120 B of I.P.C. and within my cognizance.

That you on the same day, time and place in criminal conspiracy with three accused persons made a forged Indian currency notes, herein, Ext. A 4, C 8 and C 8 (2) purporting to be or resembling a currency note namely Indian currency note of denomination of Rs.100/- and Rs.50/-. You along with the three accused persons refused to disclose without lawful excuse to P.I. Solomon Rai, a Police Officer on being so required the name and address of the person by whom the document, herein Ext. A 4, C 8 and C 8 (2) were printed while your name appeared on that document and the marking,



whereof, is offence under Sub-Section 1 of section 489 E I.P.C. and thereby committed an offence punishable U/S 489 E I.P.C. read with Section 120 B of I.P.C. and within my cognizance.

And I hereby direct you be tried on the above charges.

Dated this 12<sup>th</sup> day of November, 2010

Q. have you understood the charges?

Ans: Yes, I have understood the charges.

Q. Do you plead guilty or claimed trial?

Ans: I plead not guilty and claim trial.

ROAC  
 Sd/-  
 Chuwan Subba

Sd/-  
 12/11/201  
 Mrs. Lakchung Sherpa  
 Sessions Judge,  
 Spl. Div. II at Gangtok."

**12.** From the above charges framed against the present appellant as well as co-accused Chuwan Subba, it is clear that it is verbatim against both and there is no distinction at all in the case of the present appellant Jash Hang Subba and case of co-accused Chuwan Subba, who has been acquitted by this Court.

**13.** We have also gone through the statements of the prosecution witnesses including the statement of investigating officer PW-14 Solomon Rai and a bare perusal of his statement reveals that main accused in the present case appears to be Dip Bahadur Shrestha @ Krishna Prasad



Pradhan, who, during his custody, gave certain information to Investigating Officer and in pursuance thereof, some recovery of incriminating articles were made from meat shop of one Md. Umesh, behind Singtam Bazar. So far as the present appellant is concerned, he was not even present at the time of seizure of the incriminating articles by the investigating agency. From the evidence of the prosecution witnesses, it appears that the case of the present accused-appellant is rather on better footing than the case of Dip Bahadur Shrestha @ Krishna Prasad Pradhan and Bikram Rai, who have been acquitted by the trial Court and whose order of acquittal has not been challenged, as admitted by learned Public Prosecutor.

**14.** We have also considered the other prosecution evidence available on record and we find that the case of the present appellant is similar with the case of co-accused persons, who have been acquitted by the trial Court as well as by this Court. After close scrutiny of the prosecution evidence, we are satisfied that prosecution has failed to prove charges against appellant also.



**15.** We have also considered the judgment of this Court dated 28.02.2013 wherein one of us (Hon'ble Mr. Justice S.P. Wangdi) was one of the members of the Division Bench. In the light of prosecution evidence available on record, we are satisfied that the case of the present appellant is similar with the case of co-accused Chuwan Subba. We further find that the prosecution evidence has rightly been appreciated by this Court in its judgment dated 28.02.2013. We have also considered the reasons assigned by the co-ordinate Division Bench of this Court for acquittal of co-accused Chuwan Subba. For convenience, we reproduce the reasons assigned by the co-ordinate Bench in paragraphs 19 to 25 of the judgment dated 28.02.2013 for acquittal of the co-accused Chuwan Subba.

**"19.** Having discussed and analysed the evidence appearing in the records and the reasons contained in the impugned judgment, we are of the considered view that the impugned judgment cannot be sustained for the reasons that shall follow hereafter.

**20.** From the analysis of the prosecution evidence we may accept that the seizure of all the incriminating articles have been proved but, the question which is most crucial is as to whether any nexus has been established between those seized articles, the printing of the fake currency notes and the accused persons. Having regard to the evidence led by the prosecution we are not convinced that this crucial aspect has been established by the prosecution.



**21.** Relying upon the evidence of the prosecution witnesses discussed above and the documents M.O. XII, M.O. IX, M.O. X, M.O. XI, M.O. XII, M.O. XIV and M.O. XVI, the trial Court arrived at a finding that the prosecution had established a direct connection of the accused persons with the incriminating article M.O. I, i.e., HP Laser Printer, for printing of fake currency notes A4 (M.O.XII) and Exhibit M.O. IX (C/8, C8/1, C8/2, C8/3). The trial Court has also relied upon the statement of PW-5 whereby he is voluntarily said to have stated that the 50 rupees note was found in the printing machine. This statement of PW-5 though declared as hostile has been accepted by the trial Court. It is relevant to note that it is not the prosecution case that any currency note was found in the machine when the machine was seized but that the machine was packed in a carton. The trial Court has also heavily relied upon the materials, namely, one plastic bottle containing brownish colour liquid (M.O. X), 3 empty bottles (CC) (M.O. XI), 12 Nos. of white blank printing papers (M.O. XII), blue colour adhesive tape (M.O. XIV) and yellowish cut pieces of paper (M.O. XVI) and held that those were used or printing the notes. These materials were never sent for examination by any expert examiner and we do not find any opinion that those could be used for printing currency notes. Mere recovery of these articles without support of an expert opinion would be rendered presumptuous, perverse and not based upon any evidence. There is also no finding at all in the report of the Expert, Exhibit 9, that the currency note possibly could have been printed on the laser printer with the colours that were seized. There is also no evidence that the two fake currency notes were found in the possession of A1 and A4 and, that they were printed from the laser printer recovered from the shop of Md. Umesh, PW-4 or that the accused persons had the knowledge of those currency notes of being fake or that they attempted to use or had used those anywhere. The link between the seized articles including laser printer and those being used for printing the fake currency notes is absent. The other aspect of the evidence, that is, worth-noting is that the recovery of the printer was made from the shop of Md. Umesh, PW-4 at Singtam Bazar which as per him was brought and seized from there on 21.09.2006, whereas the recovery of the other materials were made from the rented house of A1. Under such circumstances, there could have been no occasion for the accused



to have used the printer to print the fake currency note.

22. There is another aspect of the evidence which in our opinion renders the impugned judgment quite unsustainable. The only evidence that could have established a nexus between the seized articles and the accused A1 (the appellant) and A4, Jash Hang Subba, is the disclosure statement of accused A3 marked Exhibit-2 upon which trial Court has placed reliance. Upon consideration of this document and on its close examination, such nexus do not appear to have been established. Considering the principle underlying Section 27 of the Evidence Act, 1872, the only admissible part of the disclosure statement is "I have kept the machine in the kitchen, fish and meat shop of one Umesh Bhaya along the back street behind the bazaar and I can show the machine as well as the said shop". However, we find that this evidence apart from corroborating the recovery and seizure of the machine, nothing further stands proved by it. Therefore, placing reliance upon the disclosure statement, Exhibit 2, by the trial Court appears to be completely misplaced.

In any case, the disclosure statement, Exhibit-2, does not inspire our confidence as being voluntary but rather appears to have been obtained under threat, duress and coercion as would be deducible from the uncontroverted evidence of PW-3, Baichung Tamang, that "the above accused was tied with a rope across his chest". The threat, duress and coercion can be reasonably presumed from the fact that the accused A3 was in custody of the police with a rope tied across his chest in the Police Station, Singtam when he is alleged to have made the said disclosure statement, Exhibit-2. Under such circumstances, we find Exhibit-2 grossly wanting in reliability and, therefore, unacceptable as one falling under the ambit of Section 27 of the Evidence Act, 1872. We find support in this view of ours from a decision of a Division Bench of this Court dated 03.09.2010 in Crl. A. No. 4 of 2010 in the matter of **Kishore Thapa vs. State of Sikkim** (paragraph 14) relying upon ratio laid down by a 11 Judges Constitution Bench decision in **State of Bombay vs. Kathi Kalu Oghat : AIR 1961 SC 1809** (paragraph 13) and also in **Rammi alias Rameshwar vs. State of Madhya Pradesh : 1999 CRI. L.J. 4561 SC** (paragraph 12). Speaking for the Bench one of us (Wangdi, J) observed that "the pre-condition for a statement to be admissible under Section 27 is





that it should have been made voluntarily bereft of threat or coercion".

In *Kathi Kalu Oghat (supra)* it has been held that "It must, therefore, be held that the provisions of S.27 of the Evidence Act are not within the prohibition aforesaid, unless compulsion had been used in obtaining the information".

Similarly, in *Rammi (supra)* it has been held that "While testing the reliability of such evidence the Court has to see whether it was voluntarily stated by the accused".

**23.** The other feature further eroding the credibility of Exhibit-2 is the evidence of PW-3, Baichung Tamang, one of the two witnesses to the disclosure statement, in him not having stated anywhere that the accused A3 had rendered the disclosure statement in his presence. In fact it is his categorical statement in his examination-in-chief that on 21.09.2006 he was called by the police of Singtam Police Station requesting him to be a witness in a case and that at that time accused Krishna Prasad Pradhan alias Dip Bahadur Shrestha was in the office of the PI, Singtam Police Station and further that "the police then made me sign in a document marked Ext. 2.....". The Statement that "it is true I did not see accused Krishna Prasad Pradhan giving statement to the police" appearing in his cross-examination completely decimates the evidentiary value of the disclosure statement, Exhibit-2. PW-5, the other witness to the disclosure statement Nakya Bhutia also appears to have simply signed on the disclosure statement, Exhibit-2, which is borne out by his evidence the relevant portion of which reads as under:

".....Ext. 2 bears my signature and my signature was obtained in Ext. 2 at Singtam Thana. I signed in Ext. 2 in connection with false currency counterfeit case but I do not know what is written in Ext. 2 as same was not read over to me by the police.

**XXX-by Ld. P.P. Shri N.T. Bhutia**

..... "It is not a fact that Ext. 2 is the statement given by accused Krishna Prasad Pradhan in my presence. It is true that Ext. 2 (b) is my signature on the same."

It is pertinent to note here that this witness was declared hostile by the prosecution and cross-examined. We find consistency in both his examination-in-chief and cross-examination. Thus,



we do not find any evidence that inspires us to convince ourselves that the Accused A3 had indeed rendered the disclosure statement, Exhibit-2.

**24.** It is no doubt true that Exhibit-2 has also been signed by the PI marked Exhibit 2D but that does not detract from the disclosure statement Exhibit 2 being totally unreliable. Apart from all these, placing reliance upon the disclosure statement of the Accused A3 by the trial Court also appears to be of little consequence to fix the criminality upon the accused A1 (the appellant) and A4, Jas Hang Subba in view of his being acquitted of the charges. Thus, the only possible link in the form of the disclosure statement, Exhibit 2, having found to be unconvincing and unreliable, evidence linking the Accused A1 and A4 to the seized articles, are rendered non-existent. When such vital link in the chain of circumstances is lost, the advantage of this, as has been the settled position of law, will certainly go in favour of the accused persons.

**25.** Therefore, taking into consideration the evidence in its entirety we are of the view that the prosecution has failed to establish the guilt against the accused A1, the appellant, and A4 Jas Hang Subba."

**16.** From the above, it is also clear that the case of the present appellant was also considered along with the case of co-accused Chuwan Subba as there was same set of evidence and charges against both of them.

**17.** After considering all the facts and circumstances of the case and evidence available on record, we are fully satisfied that reasons assigned by co-ordinate Bench of this Court for acquittal of co-accused Chuwan Subba are based on proper appreciation of evidence and are fully applicable



in the present case also and for the same reasons the present appellant is also liable to be acquitted.

**18.** In view of the above discussions, we are of the view that the present appeal is liable to be allowed and the same is hereby allowed. The impugned judgment and order of the trial Court is set aside, the accused-appellant is acquitted of all the charges framed against him. He is in custody. He is directed to be released forthwith, if his custody is not required in any other case.

Sd/-

**(S.P. Wangdi)**  
**Judge**  
14.11.2013

Sd/-

**(N.K. Jain)**  
**Acting Chief Justice**  
14.11.2013