

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Criminal Appeal No. 788 of 2008**

Naseebuddin S/o Salimuddin Teli, aged 35 years, R/o Mohalla Ghosiyani Thana Sarghana, Distt. Merth U.P.

---- Appellant**Versus**

State of Chhattisgarh through Arakshi Kendra, District Raipur, Bhatapara, Chhattisgarh.

---- Respondent

For Appellant	:	Shri Ajay Kumar Chandra, Advocate.
For the Respondent/ State	:	Shri Chitranjay Patel, G.A.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Judgment on Board****18/08/2015**

(1) Challenge in this appeal is to the judgment of conviction and order of sentence dated 28.3.2006 passed by the Learned Additional Sessions Judge, Bhatapara, District Raipur, Chhattisgarh in Sessions Trial No. 235 of 2004 whereby and whereunder the learned trial Court after holding the Appellant guilty alongwith other convicted co-accused for dishonestly receiving the property stolen in the commission of dacoity, convicted him under Section 412 of the Indian Penal Code, 1860 (for short 'the IPC') and sentenced him to undergo rigorous imprisonment for 10 years and also to pay a fine of ₹5,000/-, in default of payment of fine to further undergo R.I. for one year.

(2) Conviction is impugned on the ground that without there being any iota of evidence, Learned Court below has convicted and sentenced the Appellant as aforementioned and thereby committed illegality.

(3) Learned counsel for the Appellant submits that he is not contesting the instant criminal appeal with regard to conviction and sentence

imposed upon him as he has completed the sentence imposed against him. He does not want to press the instant appeal.

(4) Heard Learned counsel for the Respondent/ State.

(5) As the Appellant is not contesting the present criminal appeal with regard to conviction and sentence, and also even after perusal of the entire evidence adduced by the prosecution before the trial Court, I do not see any scope for interference regarding the conviction and sentence of Appellant – Naseebuddin, the appeal preferred by the Appellant is dismissed as not pressed affirming the judgment of conviction and sentence passed by the trial Court.

(6) In view of the above, the appeal is dismissed.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE