

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Appeal No.1023 of 2008

Hriday Ram Vishvakarma, S/o Nandlal Vishvakarma, aged about 37 years, occupation Agriculturist, R/o Village Rakhi, Police Station Kurud, District Dhamtari, Chhattisgarh

---- Appellant

versus

The State of Chhattisgarh through Police Station Kurud, District Dhamtari, Chhattisgarh

--- Respondent

For Appellant	:	Shri Sumit Shrivastava, Advocate
For State/Respondent	:	Shri Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

4.11.2017

1. The Appellant has been convicted under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (henceforth 'the Act of 1985') and sentenced with rigorous imprisonment for 4 years and fine of Rs.20,000/- with default stipulation.
2. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Raipur would mention that the Appellant has undergone the entire jail sentence imposed upon him by the Trial Court and already released on 11.10.2012.
3. I have heard Learned Counsel appearing for the Appellant. He submitted that the Appellant has been falsely implicated in the case.
4. I have also heard Learned Counsel appearing for the State and perused the record to assess the correctness of the impugned judgment of conviction.

5. The Appellant has allegedly been found in possession of 4.00 Kgs. of illicit Ganja. The case of the prosecution is based on the statement of B.R. Kashyap (PW8). In his statement, he has fully supported the case of the prosecution and has firmly stood by the contents of the FIR and other relevant documents. His statement is duly corroborated by Sub-Inspector Shambhuraam Nag (PW4), Head Constable Hirasingh Dhruw (PW9), Constable Yogeshwar (PW5), Constable Dinesh (PW6), Inspector Pradeep Yerewar (PW7) and independent witnesses Prakash (PW1) and Roshanlal (PW2). Mandatory provisions of the Act of 1985 have also been duly complied with.
6. Considering the material available on record, I do not find any merit in this appeal.
7. Consequently, the appeal deserves to be and is hereby dismissed.

Sd/-
(Arvind Singh Chandel)
Judge