

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 244 of 2002**

Bhanumati Telgu, aged about 21 years W/o Raju Telgu R/o Camp-1,
Bindranagar, Near Andhra School, Bhilai, Distt. Durg (C.G.).

-- Appellant

Versus

State of Chhattisgarh.

---- Respondent

For Appellant	:	Mr. Y.C. Sharma, Advocate
For Respondent	:	Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

31/07/2018

1. This appeal is directed against the judgment dated 26/02/2002 passed by the Special Judge (NDPS), Raipur in Special Criminal Case No. 38/2001 convicting and sentencing the appellant as under:-

<u>Conviction</u>	<u>Sentence</u>
Under Section 20 (B) (1) of NDPS Act.	RI for 3 years with fine of Rs. 3,000/- with default stipulation.

2. Facts of the case, in brief, are that on 20/08/2001 at about 8:05 am, In-charge- N. Sai, GRP Police Station received an information that two ladies and two gents are standing at platform No.4 in Railway Station, Raipur with suitcase and bags and they are carrying Ganja to sell it in the city. He recorded the said information and also sent the same to

the concerned Superintendent of Police. Thereafter he along with police officials visited the said platform and seized 15 Kg Ganja from the possession of the present applicant. After completing the necessary formalities, he prepared the necessary documents, and returned to the police station and recorded the FIR. After investigation, a charge-sheet under Section 20 (B) (I) of the NDPS Act was filed. Charges were framed under the above Section.

3. To prove the guilt of the appellant, the prosecution has examined as many as 6 witnesses. No defence witness was examined. Statement of accused/appellant under Section 313 Cr.P.C was recorded, wherein, he denied the charge, pleaded his innocence and false implication in the matter.
4. After trial, the trial Court has convicted and sentenced the appellant as mentioned in the first paragraph of this judgment. Hence, this appeal.
5. Learned Counsel appearing on behalf of appellant submits that he does not want to press this appeal on merits and confines his argument to the sentence part only. It is further submitted that the matter is of the year 2001, the appellant is facing this *lis* since 17 years and out of total jail sentence of 3 years, he has undergone about 7 months, therefore, the sentence awarded to her may be reduced to the period already undergone by her.
6. Per contra, learned Counsel appearing for the State supported the impugned judgment and submits that the sentence awarded by the trial Court is just and proper and requires no interference.
7. I have heard learned Counsel appearing on behalf of the parties and

perused the record minutely.

8. Considering the above facts and circumstances, particularly considering that out of total jail sentence of 3 years, the appellant has undergone about 7 months, she is a lady who is facing this *lis* since 2001 and after 17 years no fruitful purpose would be served to again send her in jail, I am of the considered opinion that the ends of justice would be met if, while upholding the conviction imposed upon her, the jail sentenced awarded to her is reduced to the period already undergone by her.
9. Consequently, the appeal is partly allowed. The conviction imposed upon the appellant is affirmed and the jail sentence awarded to her is reduced to the period already undergone by her. The fine sentence is also affirmed. The appellant be released forthwith,
10. It is reported that the appellant is on bail. Her bail bond is not discharged at this stage and the same shall remain operative for a further period of 6 months in view of the provisions contained in Section 437-A of the Cr.P.C.
11. Records of the Court below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge