

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 473 of 2002**

Munna @ Ramesh Chandravanshi S/o Chhote Lal Chandravanshi Caste-
Mahara, R/o Bade Amod, Police Station- Bade Amod, District- Nav Rangpur
(Orissa).

-- Appellant**Versus**

State of Chhattisgarh.

---- Respondent

For Appellant	:	Mrs. Usha Chandrakar, Advocate
For Respondent	:	Mr. Sumit Jhanwar, PL

Hon'ble Shri Justice Arvind Singh Chandel**Judgment on Board****26/07/2018**

1. This appeal has been preferred against the judgment dated 01/03/2002 passed by the Special Judge (NDPS Act), Jagdalpur, Korba in Session Case No. 56/2001, convicting the appellant under Section 20 (B) (i) of the NDPS Act, 1985 and sentenced him to undergo RI for 1 ½ years with fine of Rs. 1000/-with default stipulation.
2. Brief facts of the case, is that on 15/10/2001, Sub-Inspector- Tillu Singh received an information from the informant that one person is carrying contraband (Ganja) at village- Taloor. He recorded the said information vide Mukhbir Suchana Panchnama Ex.P-2. He also forwarded the information to SP, Jagdalpur vide Ex.P-4. Thereafter,

he reached the spot and informed the accused/appellant about the information received from the informant and gave him a notice of search under Section 50 of the NDPS Act (Ex.P-6). The appellant gave his consent regarding search of himself from Sub-inspector Tillu Singh. Tillu Singh, Sub-Inspector gave his own search to the appellant, in which no objectionable article was found. Thereafter, the appellant was searched. His bag was also searched wherein, police had found 1.6 Kg Ganja. After completing other formalities, the alleged Ganja was seized vide Ex.P-13. Tillu Singh recorded Dehatinalsi (Ex.P-14) and prepared the spot map (Ex.P.15). Thereafter, Tillu Singh returned to the police Station with the appellant and seized Ganja and recorded FIR (Ex.P-21). Sample packets of Ganja were sent for its chemical examination to Forensic Science Laboratory and its FSL report is Ex.P-25. After investigation, the learned trial Court has framed the charges under Sections 20 (B) (i) of the NDPS Act.

3. To prove the guilt of the accused/appellant, the prosecution examined as many as 5 witnesses. Statement of Accused/Appellant was recorded under Section 313 Cr.P.C, wherein he denied all the charges, pleaded his innocence and false implication. No witness has been examined in his defence.
4. After trial, the trial Court convicted and sentenced the accused/appellant as mentioned in the first paragraph of this judgment. Hence, this appeal.
5. Learned Counsel appearing for the appellant submits that she does not want to press this appeal on merits and confines her argument to

the sentence part only. It is further submitted that out of total sentence of 1 ½ year, the appellant has undergone about 7 months, he is facing this *lis* since 17 years and he has no criminal antecedent. Therefore, the jail sentence awarded to the appellant may be reduced to the period already undergone by him.

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 1 ½, the applicant has undergone about 7 months and he is facing this *lis* since 2001, I am of the considered opinion that the ends of justice would be met if, while upholding the conviction imposed upon the appellant, the jail sentenced awarded to him is reduced to the period already undergone by him.
9. Consequently, the appeal is partly allowed. The conviction imposed upon the appellant is affirmed and the jail sentence awarded to him is reduced to the period already undergone by him. The fine sentence is also affirmed.
10. It is reported that the appellant/accused is on bail. His 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 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

Rahul