

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 160 of 2013**

Noho Korado S/o Sadashivo Korado Aged About 30 Years R/o Tablaguda,
Ps Padampur, Distt. Raigada Orissa, Orissa.

---- Appellant**Versus**

State of Chhattisgarh, through Station House Officer, GRP, Distt. Bilaspur
C.G. , Chhattisgarh.

---- Respondent

For the Appellant : Shri Ajay Ayachi, Advocate.
For the Respondent/ State: Shri Arun Shukla, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Judgment on Board****17.01.2019**

1. This appeal has been preferred against the judgment of conviction and order of sentence dated 13.8.2012 passed by the Learned Special Judge, Narcotic Drugs and Psychotropic Substances Act, Bilaspur, District Bilaspur, Chhattisgarh in Special Trial No.9 of 2011, whereby and whereunder, the learned Special Judge has convicted the appellant under Section 20(B)(2) (B) of the Narcotic Drugs and Psychotropic Substances Act and sentenced to undergo rigorous imprisonment for 7 years and to pay fine of Rs.5,000/-, in default of payment of fine, to further undergo RI for 1 year.

2. Conviction is impugned on the ground that without there being any iota of evidence, the trial Court has convicted and sentenced the appellant as aforementioned and thereby committed illegality.

3. The case of the prosecution, in brief, is that on 6.2.2011, K.C. Dey, Station House Officer, G.R.P., Bilaspur received confidential information regarding the appellant present on platform with narcotic substance. After following the procedure laid down under Narcotic Drugs and Psychotropic Substances Act he apprehended the appellant on the railway platform, made a search and recovered 13 kg of ganja (narcotic substance) carried in a bag by the appellant. Sampling, seizure etc was done. After completion of all the Investigative procedures, charge-sheet was filed against the appellant before the concerned Court.

4. During trial, the Court below framed the charges against the appellant under Sections 20(B)(2)(B) of the Narcotic Drugs and Psychotropic Substances Act. The prosecution examined 8 witnesses to prove the guilt of the appellant. No witness examined in defence. Statements of the appellant were recorded under Section 313 of the Cr.P.C. wherein the appellant denied the circumstances appearing against him and pleaded innocence and false implication in the crime in question.

5. After affording opportunity of hearing to both the parties, learned trial Judge convicted and sentenced the appellant as aforementioned.

6. I have heard learned counsel for the parties, perused the judgment impugned and records of the Court below.

7. It is submitted by the learned counsel appearing on behalf of the appellant that the appellant has been wrongly convicted by the trial Court on

the basis of the unbelievable evidence of the prosecution and the prosecution has totally failed to bring the evidence beyond reasonable doubt. It is also submitted that according to the information received, the appellant has undergone whole sentence of imprisonment and he has also paid the fine amount imposed upon him and has been released from jail.

8. Learned counsel for the State opposes the grounds raised in appeal and the submissions made in this respect. It is submitted that the prosecution has proved its case beyond all reasonable doubt. Hence, there is no room for interference in the impugned judgment, hence, the appeal be dismissed.

9. I have heard the learned counsel for the parties and perused the record of the Court below.

10. The point in issue in this appeal is whether the prosecution has proved the charges against the appellant on the basis of the evidence beyond reasonable doubt?

11. After closely scrutinizing the evidence of all the relevant witnesses, in this case and after due consideration I am of this view that the trial Court has not committed any error in convicting and sentencing the appellant by the impugned judgment. Therefore, the appeal is without any substance and it is dismissed accordingly.

Sd/-

(Rajendra Chandra Singh Samant)
Judge