

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 932 of 2012**

Shagun Chauhan S/o Dhaneshwar Chauhan, aged about 56 years R/o Village Barakaspali, P.S. Gharghoda, Distt. Raigarh (C.G.).

---- Appellant**Versus**

State of Chhattigarh through Police Station Tamnar, Distt. Raigarh Raipur (C.G.).

---- Respondent

For Appellant	:	Mr. Manoj Kumar Sinha, Advocate
For Respondent	:	Mr. Anand Verma, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**06/11/2019**

1. This appeal has been preferred against the judgment dated 05/10/2012 passed in Sessions Trial No. Special Case No. 02/2011 by the Special Judge/ First Additional Sessions Judge, Raigarh (C.G.), whereby the Appellant has been convicted under Section 20 (b) (2) (B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Facts of the case are that on 20/04/2011 on the basis of information received from the informant, L.R. Bhagat (PW3), Incharge Sub Inspector of police Station Tamnar had gone to the spot. He stopped the Appellant on the way and searched him. On being searched, the Appellant was found in illegal possession of 1 Kg and 50 grams contraband (Ganja). Offence has been registered. After completion of investigation, a charge-sheet has been filed. To prove the guilt of the

Appellant, the prosecution has examined as many as 4 witnesses. No defence witness has been examined. Statement of the Appellant under Section 313 of the Cr.P.C has been recorded, wherein he has pleaded his innocence and false implication in the matter.

3. After trial, the trial Court has convicted and sentenced him as mentioned in paragraph one of this judgment. Hence, this appeal.
4. Learned Counsel appearing for the Appellant submits that he does not want to press this appeal on merits and confines his argument to the sentence part only. He further submits that the Appellant has undergone about 1 year out of total jail sentence of 4 years, he has no criminal antecedent and he is facing the *lis* since 2011, therefore, he prays that the jail sentence awarded to the Appellant may be reduced to the period already undergone by him.
5. 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.
6. I have heard learned Counsel appearing on behalf of the parties and perused the record minutely.
7. Considering the above facts and circumstances of the case, particularly considering that out of total jail sentence of 4 years, the Appellant has undergone about 1 year, he is facing the *lis* since 2011 and there is no criminal antecedent against him, I am of the view 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.

8. Consequently, the appeal is partly allowed. The conviction of the Appellant under Section 20 (b) (2)(B) of the NDPS Act is affirmed and he is sentenced to the period already undergone by him. The fine sentence is affirmed.
9. 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.
10. 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