

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Criminal Appeal No. 243 of 2002**

Kameshwar Rao, Aged about 20 years S/o E. Apparao Telgu, R/o Bindra Nagar,  
Near Andhra School, Bhilai, P.S. Chhawani, Distt. Durg (C.G.)

**---- Appellant****Versus**

State of Chhattigarh

**---- Respondent**


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|----------------|---|---------------------------|
| For Appellant  | : | Mr. Y.C. Sharma, Advocate |
| For Respondent | : | Mr. Amit Verma, PL        |

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**Hon'ble Shri Justice Arvind Singh Chandel****Order on Board****29/11/2019**

1. This appeal has been preferred against the judgment dated 22/02/2002 passed in Special Criminal Case No. 36/2001 by the Special Judge, NDPS Act (C.G.), whereby the Appellant has been convicted under Section 20 (B) (I) read with Section 8 of the NDPS Act and sentenced to under gor RI for 2 years and to pay fine of Rs. 2000/-, with default stipulation.
2. Facts of the case are that on 20/08/2001 at about 8:05 O'clock on the basis of secret information received from the informant, SHO N. Sai searched the Appellant and seized total 7 KG of contraband (Ganja) from the possession of the Appellant. After completion of necessary formalities and after investigation, a charge-sheet has been filed. Trial Court framed the charges. As may as 9 prosecution witnesses have

been examined. 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 the Appellant 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 7 months out of total jail sentence of 2 years, he has no criminal antecedent and he is facing the *lis* since 20021, 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 2 years, the Appellant has undergone about 7 months, he is facing the *lis* since 2001 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 and the fine sentence

imposed under Section 20 (B) (I) read with Section 8 of the NDPS Act is enhanced to Rs. 20,000/-. Ordered accordingly. The enhanced amount of fine shall be payable within 2 months from the date of receipt of a copy of this order. In default of payment, the Appellant shall be liable to undergo RI for 6 months. If any amount has already been deposited towards fine, the same shall be adjusted in the amount of fine imposed/enhanced today.

8. Consequently, the appeal is partly allowed to the extent indicated above.
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