

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.A. No. 643 of 2014

Mohd Dauwa, S/o. Shri Mohd. Kamruddin, Aged About 27 Years, R/o. Village Kamariya, P.S. Moudha, Distt. Hamirpur U.P.

---- Appellant

Versus

State Of Chhattisgarh, Through :S.H.O., P.S. GRP, Raipur, Distt. Raipur C.G..

-----Respondent

For Appellant	: Ms. Shipra Biswas, Advocate
For Respondent/State	: Mrs. Smita Jha, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

07/02/2019

1. This appeal has been preferred against the judgment of conviction and order of sentence, passed by the learned Special Judge, N.D.P.S. Act, Raipur, District – Raipur (C.G.), in Special Criminal Case No.32/2013 on 09.05.2014, convicting the appellant for the offence under Section 20 (b) (ii) (B) of N.D.P.S. Act and sentencing him for rigorous imprisonment for a period of 4 years and fine of Rs.15,000/- with default stipulations.
2. The case of the prosecution is this that on 20.08.2013, Inspector Shankar Chandrakar (P.W.-10) received confidential information. After following the procedure under N.D.P.S. Act, he proceeded to the spot and found appellant present and stopped the appellant on road. After serving a notice (Ex.P-3) under Section 50 of N.D.P.S. Act and obtaining consent of the appellant vide Ex.P-4, he made

search of his possession and found one brown colour air bag containing 8 Kg. Ganja, the narcotics substance. On the basis of this recovery, samples were prepared and remainder Ganja were sealed and marked and seizure was made by Ex.P-7. FIR Ex.P-16 was lodged. Samples were sent for FSL examination and the FSL report further confirms the presence of Ganja in this report.

3. Appellant was charged with offence under Section 20 (b) (ii) (B) of the N.D.P.S. Act. The appellant denied the charges and prayed for trial. The prosecution examined as many as 10 witnesses on its behalf. On examining the appellant under Section 313, he denied all the incriminating evidence against him and pleaded innocence and false implication. No witness was examined in defence. On completion of trial, judgment has been delivered, in which the appellant stands convicted and sentenced as mentioned aforesaid.
4. 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 evidence and the prosecution has totally failed to bring the evidence beyond reasonable doubt. It is also submitted that the appellant has already undergone the sentence imposed upon him by the trial Court and he has been released from the jail.
5. 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 doubts. Hence there is no room for interference in the impugned judgment,

hence, the appeal be dismissed.

6. I have heard the learned counsel for the parties and perused the record of the Court below.
7. 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?
8. 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 coming to the conclusion of finding guilt against the appellant, therefore, the appeal is without any substance and it is dismissed accordingly.

Sd/-
(Rajendra Chandra Singh Samant)
Judge