

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 253 of 2013

Sanjay Singh S/o Dashrath Singh Aged About 33 Years R/o Tendukona , P.S. Pithora, District Mahasamund, Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh through the Station House Officer, P.S. Pithora, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vikash Pradhan, Advocate.
For Respondent/ State	: Shri Shrikant Kaushik, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-02-2020

Heard.

1. This revision petition has been brought against the judgment of the Appellate Court in Criminal Appeal No. 8 of 2013 dated 8.4.2013, by which the conviction and sentence against the applicant by the trial Court was upheld.
2. The facts of the case are that on 1.12.2011, the vehicle bearing registration No. C.G. 12-Y-0812 was stopped and checked by the police personnel of police station Pithora and the vehicle was loaded with 112 liters of foreign liquor. Seizure was made from the possession of the applicant and then he was charge-sheeted before the trial Court. The trial Court charged the applicant for the offence under Section 34(2) of the Excise Act and after completion of trial, the applicant was convicted for the offence charged and sentenced with RI for two years and fine of Rs.30,000/-. The challenge in the appeal to this order of conviction and sentence that has been upheld in appeal as mentioned herein-above.

3. It is submitted by learned counsel for the applicant that the conviction against the applicant is baseless without there being any evidence of the prosecution, beyond reasonable doubt, therefore, this revision petition be allowed.
4. Learned State counsel opposes the submissions made in this respect.
5. On perusal of the evidence present in the record of the trial Court, it is found that there is evidence brought by the prosecution in which the applicant was given an opportunity in defence. The trial Court has appreciated the evidence and come to the conclusion holding the applicant guilty for the offences alleged. Proper reasoning has been given. Similarly, learned Appellate Court has also not committed any error in passing the impugned judgment. The scope of the Revisional Court is very limited, therefore, within that scope it is found that no error has been committed by the Courts below. Hence, this criminal revision is dismissed. The applicant who is on bail is directed to be taken in custody and sent to jail for serving out the remaining part of the sentence.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi