

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1741 of 2019

Reserved on : 29.01.2020

Delivered on : 20.02.2020

Parsu Ram Manjhi, S/o Dhanmat Manjhi, aged about 36 years, Occupation Labourer, R/o Village- Baddehi, P.S. Rajkhariyar, District- Nayapara (Odisha)

---- Appellant

Versus

State of Chhattisgarh, Through: Police Station Dhamdha, District- Durg (C.G.)

---- Respondent

For Appellant : Mr. Basant Kaiwartya, Advocate.

For State/respondent : Mr. Ishwar Jaiswal , Panel Lawyer.

Hon'ble Shri Justice Ram Prasanna Sharma

CAV JUDGMENT

1. This appeal is preferred under Section 374(2) of the Code of Criminal Procedure, 1973 against judgment dated 30.01.2014 passed by Special Judge (NDPS Act), Durg (C.G.) in NDPS Case No. 05/2013, wherein the said court convicted the appellant for commission of offence under Section 20(b)(ii)(B) of the Narcotic Drugs & Psychotropic Substances Act, 1985 (for short "the Act, 1985") and sentenced to undergo R.I. for 7 years and fine of Rs. 50,000/- with further default stipulations.
2. As per case of the prosecution, the appellant and another co-accused namely Baidabag were convicted by the said court vide common judgment. Said Baidabag preferred a Criminal Appeal before this

Court which is registered as Criminal Appeal No. 353 of 2014. Vide judgment dated 10.01.2017, this Court has reduced the sentence of Baidabag and awarded sentence of 4 years under Section 20(b)(ii)(B) of the Act, 1985 to undergo R.I. for 4 years and fine of Rs. 10,000/-. It is further ordered that on non-payment of fine, the appellant shall further undergo R.I. for a period of 3 months (Para 14 of the judgment).

3. As per the said judgment, the appellant was also extended benefit on the same line. The present appellant is also awarded sentence of 4 years and fine of Rs. 10,000/- and on non-payment of fine, he shall be further subjected to R.I. for 3 months. It appears that the said judgment of this Court is not brought to the notice of the authorities that is why the present appellant is still in jail.
4. Let a copy of that judgment be sent to the jail authorities immediately for compliance (Para 18 of the said judgment) and the appellant be set at liberty forthwith if not required in any other case.
5. In view of the above, the instant appeal stands disposed of.

Sd/-
(Ram Prasanna Sharma)
Judge