

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 749 of 2008**

- Ghanshyam Das Vaibhav, Son of Laxman Das Vaibhav, aged about 68 years, Occupation Agriculture, Resident of Village Hasda, Police Station Magarlod, District Dhamtari, (C.G.).

---- Appellant**Versus**

- State of Chhattisgarh Through The Police Station Magarlod, Distt. Dhamtari, Chhattisgarh.

---- Respondent

For Appellant	:	None.
For Respondent/State	:	Smt. Dipti Shukla, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****16/02/2021**

1. This appeal has been preferred against the judgment dated 21/7/2008 passed in Special Criminal Case No.23/2007 by the Special Judge (Narcotic Drugs and Psychotropic Substances Act, 1985), Dhamtari, (C.G.), whereby the appellant has been convicted under Section 20 (B) (II) (B) of N.D.P.S. Act and sentenced to undergo R.I. for 2 years and to pay fine of Rs. 15,000/- with default stipulations.
2. According to case of prosecution, on 30/6/2003, Ashok Kumar Dwivedi, A.S.I. of Police Station Magarlod, during village patrolling,

received a secret information that one Ghanshyam Das Vaishnav @ Baba (appellant) was carrying contraband *ganja* in a plastic bag and going towards his village. Upon receiving such information, necessary procedures were followed, called the witnesses and thereafter, police personnel reached the spot and caught the appellant. On being searched, total 1.700 kg of contraband *ganja* was recovered from the possession of the appellant. Thereafter, sample packets were prepared, seizures were made and other formalities were done. After completion of investigation, a charge-sheet was filed. The Trial Court framed the charges. To prove the guilt of the accused/appellant, prosecution has examined as many as 9 prosecution witnesses. Four defence witnesses have 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. Vide PUD dated 4/2/2021 sent by the Assistant Jail Superintendent, District Jail, Dhamtari, (C.G.), it has been reported that appellant has undergone the entire jail sentence imposed upon him by the trial Court and already released on 31/7/2010 after completion of jail sentence.
5. No one appears on behalf of appellant today. Finding the correctness of judgment of the trial Court, I decide this appeal on merits.
6. I have heard learned Counsel appearing for the State, perused the record and statement of witnesses to assess the correctness of the

impugned judgment of conviction.

7. Though independent witnesses namely Jullu (PW-3) and Chamrudas (PW-5) have not supported the case of prosecution and turned hostile but the Investigating Officer namely Ashok Kumar Dwivedi (PW-6) has deposed according to the case of the prosecution. He has remained firm during his cross-examination. There is nothing on record on the basis of which the statement of Investigating Officer can be disbelieved. His statement is duly corroborated by other witnesses namely Dinesh Chandel, Constable (PW-1), Santuram Kawde, Head Constable, Maalkhana Moharir (PW-4). All the other mandatory provisions of the Act have also been duly complied with by the prosecution.
8. On a minute examination of the evidence on record, it is clear that there is sufficient evidence against the appellant to hold him guilty. In my considered view, the trial Court has rightly convicted the appellant.
9. Consequently, the appeal has no merit and is, therefore, dismissed.

Sd/-
(Arvind Singh Chandel)
Judge