

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
CRA No. 24 of 2009

- Ayub Khan S/o Shri Jahur Khan, aged about 40 Years R/o Village Bachra Podi, Police Station Khadgawa, District Korea, Chhattisgarh.

---- Appellant

Versus

- State Of Chhattisgarh Through – Station House Officer, Police Station - Ramanujganj, District – Surguja, C.G.

---- Respondent

For Appellant	:	Mr. B.P. Rao, Advocate.
For State/Respondent	:	Mr. HS Ahluwalia, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel
Judgment on Board

09.08.2021

1. The matter is heard through Video Conferencing.
2. This appeal has been preferred against the judgment dated 03.01.2009 passed in Special Criminal Case No.02/2008 by the learned Special Session Judge(N.D.P.S Act 1985), Surguja, Ambikapur (C.G.) wherein, the Appellant has been convicted for the offence punishable under Section 20 (b) (ii) (B) of Narcotic Drugs Psychotropic Substances Act and sentenced to undergo R.I. for 1 year and to pay fine of Rs.10,000/-, with default stipulation.
3. According to the case of prosecution, on 12.01.2008 at

around 9:25 AM, Police of Police Station Ramanujganj got an information from informant that the Appellant came near bus stand for the purpose of selling *Ganja*. The Police has recorded the above information in Rojnamcha Sanha and reached the spot. On being searched of the Appellant, total 2 Kg. 100 gram of contraband *Ganja* has been seized from his possession. On the basis of above, offence has been registered against the Appellant. After completion of investigation, charge-sheet was filed by the police. To robe the Appellant in the crime-in-question prosecution has examined as many as total 8 witnesses. In the statement of the Appellant recorded under Section 313 of Cr.P.C, the Appellant pleaded his innocence and false implication in the matter, however no defence witness was examined by the Appellant.

4. After completion of trial, the Trial Court convicted and sentenced the Appellant as mentioned in Para 02 of this judgment. Hence, this appeal.
5. 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 already undergone about 60 days in jail, he has no criminal antecedent and he is facing the *lis* since 2008. Therefore, the jail sentence awarded to him may be reduced to the period already undergone by him.

6. On the contrary, learned State Counsel opposed the appeal and supported the impugned judgment.
7. I have heard learned counsel appearing on behalf of the parties and perused the record minutely.
8. Considering the above facts and circumstances of the case, particularly considering the fact that the Appellant has already undergone about 60 days in jail, he has no criminal antecedent and he is facing the *lis* since 2008. I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon the Appellant, the jail sentence awarded to him is reduced to the period already undergone by him.
9. Consequently, the appeal is partly allowed. The conviction of the Appellant under Section 20 (b) (ii) (B) of Narcotic Drugs Psychotropic Substances Act is affirmed and against the conviction, he is sentenced to the period already undergone by him. The fine sentence for the above offence is also affirmed.
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