

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 527 of 2016

- Shalu Nahak S/o Pano Nahak Aged About 18 Years R/o Village - Kodla, Police Station - Kodla, District - Ganjam (Odisha).

---- Appellant

Versus

- State of Chhattisgarh Through the In-charge, G.R.P. Thana, Raipur, District- Raipur (Chhattisgarh).

---- Respondent

For Appellant	:	None.
For State/Respondent	:	Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

25.06.2021

1. The matter is heard through Video Conferencing.
2. This appeal has been preferred against the judgment dated 17.03.2016 passed in Special Criminal (NDPS) Case No. 834/2015 by the learned Special Judge (under N.D.P.S Act), Raipur, District Raipur (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 04 years and to pay fine of Rs. 10,000/-, with default stipulation.
3. According to the case of prosecution, on 03.06.2015, the Sub-Inspector namely L.S. Rajput received a confidential information that one person, aged about 18-20 years, is in possession of *Ganja* and standing in the Railway Platform, Raipur. On the basis of said information, He recorded the above information in

Rojnamcha Sanha and prepared Mukhbir Suchna Panchnama in presence of the witnesses. He also informed about this information to the higher officials, thereafter he reached the spot along with the witnesses and police officials. In compliance of Section 50 of the N.D.P.S. Act, he gave notice to the Appellant and obtained his consent for search. On being searched, total 10 Kgs. of contraband *Ganja* was found from his possession. He seized the above contraband *Ganja* and prepared sample packets and after completion of other formalities he returned to the police station along with the seized property and the Appellant, then he recorded the FIR and deposited the seized property in Malkhana thereafter, sample packets were sent for examination to the FSL. After completion of investigation, charge-sheet was filed by the Police. To robe the Appellant in the crime-in-question, the prosecution has examined as many as total 09 witnesses. In the statement of Appellant recorded under Section 313 of Cr.P.C, the Appellant has pleaded his innocence and false implication in the matter, however no defence witness was examined by the Appellant. After completion of trial, the Trial Court convicted and sentenced the Appellant as mentioned in Para 01 of this judgment. Hence, this appeal.

4. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Raipur District Raipur (C.G.) would mention that the Appellant has undergone the entire jail sentence imposed upon him by the Trial Court and already released from jail on 02.06.2019.
5. Since no one appears for the Appellant today, I decide this appeal on merits.

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 State and perused the record minutely. I have also gone through the statements of the witnesses.
8. Sub-Inspector L.S. Rajput (PW-9), Investigation Officer, supported the entire case of prosecution and deposed according to the case of prosecution. His statement is duly corroborated by Constable Lalmohan Mehta (PW-5), and Constable Purushottam Latore (PW-6), though Sanjay Baghel (PW-1) and Pramod Tiwari (PW-2), seizure witnesses of the case have not supported the case of prosecution. But, there is nothing on record on the basis of which statements of witnesses Lalmohan Mehta (PW-5), Purushottam Latore (PW-6) and L.S. Rajput (PW-9) can be disbelieved.
9. Looking to the entire evidence available on record and further considering the fact that all the mandatory provisions of the Act have duly complied with. In my considered opinion, the Trial Court has rightly convicted the Appellant. Consequently, the appeal has no merit and the same is hereby dismissed.
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