

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 401 of 2012**

- Narayan Hemerika, S/o Asrika Hemerika, aged about 30 years, R/o Village Jekepur, P.S. Chadali, Distt. Raigarh, Orissa.

---- Appellant

Versus

- State of Chhattisgarh through Police Station – G.R.P., Bilaspur (C.G.).

---- Respondent

For Appellant	:	None
For Respondent/State	:	H.S. Ahluwalia, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****25/03/2021**

1. This appeal has been preferred against the judgment dated 27/3/2012 passed in Special Sessions Case No.10/11 by the Special Judge (Narcotic Drugs and Psychotropic Substances Act, 1985), Bilaspur, (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 5 years and fine of Rs. 10,000/- with default stipulations.
2. According to the case of prosecution, on 6/2/2011, K.C. Dey, Inspector, Police Station - G.R.P. received a secret information from the informant that two persons are sitting under over-bridge at platform No.4 & 5, carrying contraband ganja for sale purpose and are waiting for train. Upon receiving such information, he recorded the said

information in Rojnamcha Sanha, called the witnesses, necessary procedures were followed and thereafter, police personnel reached the spot. On being searched, total 11 Kgs of contraband *ganja* was found and seized from their possession. Thereafter, two sample packets of 50-50 gms each were prepared. Seizures were made and after following other formalities, sample packets were deposited in Malkhana. 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. No defence witness has been examined. Statement of the appellant under Section 313 of the Cr.P.C has been recorded, wherein he has pleaded 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. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Bilaspur, (C.G.) dated 18/3/2021 would mention that appellant has undergone the entire jail sentence imposed upon him by the trial Court and already released on 5/8/2016.
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, statement of witnesses and other annexed documents to assess the correctness of the impugned judgment of conviction.

7. Though Ram Singh (PW-2) has not supported the case of the prosecution, but Rohit Kumar (PW-3) has supported the case of the prosecution. Rohit Kumar (PW-3) in his cross-examination has remained firm. From the statement of K.C. Day (PW-8), Inspector and on perusal of the documents annexed with the records, it is well-established that contraband *ganja* was seized from the possession of the appellant and all the other mandatory provisions were also duly complied with.
8. Looking to the evidence adduced by the prosecution, 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.
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