

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 131 of 2014**

Mannudas Satnami S/o Umendridas Satnami, aged about 60 years R/o Ghotwani, Thana- Saja, Civil & Revenue Distt. Bemetara (C.G.)

---- Appellant**Versus**

State of Chhattisgarh, Through Police Station Saja, Civil & Revenue Distt. Bemetara (C.G.).

---- Respondent

For Appellant	:	Mr. Samir Singh, Advocate
For Respondent	:	Mr. Priyanshu Gupta, PL

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board**26/03/2021**

1. This appeal has been preferred under Section 374 (2) of Cr.P.C against the judgment dated 29/01/2014 passed in NDPS Case No. 02/2013 by the Special Judge (NDPS) Act whereby the Appellant has been convicted under Section 20 (A) of the NDPS Act and sentenced to undergo RI for 2 years with fine of Rs. 5000/-, with default stipulation.
2. Facts of the case are that on 10/10/2012, after receiving a secret information from the informant, the police official searched the house of the appellant and seized two plants of Ganja from there, and on that basis, offence has been registered. After completion of investigation, a charge-sheet was filed. Trial Court framed the charges. As many as 6 prosecution witnesses were examined. Statement of the appellant under Section 313 of the Cr.P.C was 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. 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 is aged about 67 years, he has already undergone about 2 months, he has no criminal antecedent and he is facing the *lis* since 2012, therefore, the sentence awarded to him may be reduced to the period already undergone by him.
5. Per contra, learned Counsel appearing for the State supported the impugned judgment and submits that the sentence awarded by the trial Court is just and proper and requires no interference.
6. I have heard learned Counsel appearing on behalf of the parties and perused the record minutely.
7. Considering the above facts and circumstances of the case, particularly considering that out of total jail sentence of 2 years, the Appellant has undergone 2 months who is aged about 67 years, he is facing the *lis* since 2012 and there is no criminal antecedent against them, I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon the Appellant, the jail sentenced awarded to him is reduced to the period already undergone by him.
8. Consequently, the appeal is partly allowed. The conviction of the Appellant under the aforementioned sections is affirmed and he is

sentenced to the period already undergone by him. The fine sentence is affirmed.

9. It is reported that the Appellant is on bail. His bail bonds is not discharges at this stage and the same shall remain operative for a further period of six moths in light of Section 437-A of the IPC.
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