

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 1086 of 2012**

- Saabir Ali S/o Shri Nabi Sarvar, Aged About 25 Years R/o Rafik Nagar, Govandi, Shivaji Nagar, Post and P.S. Shivaji Nagar, Mumbai-43 (Maharashtra).

---- Appellant**Versus**

- The State of Chhattisgarh, Through : The Police Station Civil Lines, Raipur, (C.G.).

---- Respondent

For Appellant	:	None.
For Respondent/State	:	Shri Rahim Ubwani, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****23/02/2021**

1. This appeal has been preferred against the judgment dated 21/11/2012 passed in Special Criminal Case No.16/2012 by the Special Judge (Narcotic Drugs and Psychotropic Substances Act, 1985), Raipur, (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 4 years and to pay fine of Rs. 20,000/- with default stipulations.
2. According to case of prosecution, on 2/4/2012, Chetan Dubey, A.S.I. Police Station Crime Branch, Raipur, received a secret information that one person is standing at bus stand, Raipur for the purpose of sale of contraband *ganja*. Upon receiving such information, he recorded the

information vide Ex.P-3. After following mandatory provisions, he reached the spot alongwith police staff and two witnesses and caught the appellant. On being searched, total 10 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 7 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.

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 Jail report received from Jail Superintendent, Central Jail, Raipur, (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 01/04/2016 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. I have gone through the statement of the witnesses. The Investigating

Officer of the case Chetan Dubey (PW-7) has deposed according to case of the prosecution. His statement is duly corroborated by independent witness namely Satyanarayan Satnami (PW-2). From the perusal of the documents prepared during course of investigation, it is well-established that all the mandatory provisions of the Act have duly complied with. Thus, I find that the findings of the trial Court is in accordance with the evidence available on record.

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