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NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 2017 of 2019

1. Kanta Prasad Kurre S/o Manshram Kurre aged about 41 years
R/o Village Semra, Police Station: Navagarh, District : Janjgir-
Champa, Chhattisgarh
2. Karan Kurre S/o Gairam Kurre, aged about 19 years R/o
Village Semra, Police Station: Navagarh, District : Janjgir-
Champa, Chhattisgarh

---- Appellants

Versus

State of Chhattisgarh through Police Station: Basna, District :
Mahasamund, Chhattisgarh

---- Respondent

For Appellants	:	Mr. Rohitashva Singh, Advocate
For State/Respondent	:	Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

23.06.2021

1. The matter is heard through Video Conferencing.
2. This appeal has been preferred against the judgment dated 04.11.2019 passed in Special Criminal Case No.14/2017 by the Special Judge Saraypali, District: Mahasamund (C.G.) wherein, the Appellants have been convicted under Section 20 (b) (ii) (B) of NDPS Act, 1985 and sentenced to undergo R.I. for 03 years and to pay fine of Rs.10,000/- each, respectively with default stipulation.
3. According to the case of prosecution, on 11.08.2017, at around 08:45 P.M., Sub-Inspector of Police Station: Basna along with his

staff seen two persons coming from Basna in motor cycle, when they inquired they found total 8 Kg of contraband *Ganja* from the possession of the present Appellants. He seized the above contraband ganja, prepared sample packets and after completion of other formalities he returned to the police station along with the seized property and the Appellants, then he recorded the FIR and deposited the seized property in Malkhana thereafter the sample packets were sent for examination to the FSL, from where the report confirmed that the property was contraband Ganja. After completion of investigation, charge-sheet was filed by the police. To robe the Appellants in the crime-in-question prosecution examined as many as total 13 witnesses. In the statement of Appellants recorded under Section 313 of Cr.P.C, Appellants pleaded their innocence and false implication in the matter, however no defence witness was examined. After completion of trial, Trial Court convicted and sentenced the Appellants as mentioned in Para 01 of this judgment. Hence this appeal.

4. Learned Counsel appearing for the Appellants submits that the Appellants are wrongly convicted by the Trial Court without there being any clinching evidence available on record. It is argued by the counsel that there are material contradictions and omissions occurred in the statements of the witnesses inspite of that learned Trial Court has convicted the Appellants, therefore, conviction of the Appellants are not sustainable.
5. On the contrary, learned State Counsel opposed the prayer and supported the impugned judgment.

6. I have heard learned counsel appearing on behalf of the parties and perused the record minutely.
7. PW-13, Hemlal Nag who investigated the entire matter, has deposed according to the case of prosecution. His statements were duly corroborated by Nirmal Bagh, PW-01 & Abhilash Kumar, PW-08. Though there are some contradictions occurred in the statement of Abhilash Kumar, PW-08 but it is not a material evidence. The other witnesses have also supported the case of prosecution.
8. On minute examination of above evidence and looking to the entire evidence available on record, in my considered opinion, the learned Trial Court has rightly convicted the Appellants. Consequently, I do not find any merit in this appeal.
9. Accordingly, the Appeal is 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