

08.12.2022

Court No.35  
Item No. 10

D.Hira

**CRA 30 of 2011**

**Gita Sardar @ Gita  
Vs.  
The State of West Bengal**

Mr. Mit Guha Roy.

... for the appellant

Mr. Pravas Bhattacharya,  
Ms. Debjani Sahu.

... for the State

Impugned in this appeal is the judgment and order of conviction dated 30<sup>th</sup> November, 2010 and 1<sup>st</sup> December, 2010 respectively by the Trial Court in Sessions Trial No. 4(9) 2010 under Section 21(b) of the N.D.P.S. Act.

By dint of the FIR lodged by S.I. Shri Prasanta Kumar Das on 31<sup>st</sup> March, 2009 Narkeldanga Police Station Case No. 119 of 2009 dated 31<sup>st</sup> March, 2009 under Section 21 (b) of the N.D.P.S. Act was initiated.

Allegations were that upon receiving source information the police team went to work out the source and apprehended the appellant as well as the other accused person who were carrying the contraband article with them. The contraband was recovered from their active possession.

Seizure list was prepared.

After framing of charge on 16<sup>th</sup> September, 2009, the Trial Court proceeded with the trial and during trial in this case eight (8) witnesses were examined including the police personnel and the independent persons.

The most vital piece of evidence excepting the ocular evidences of the raiding party members, which came before the Court, was the chemical examination report of the contraband seized and marked as

exhibit. The chemical examination report suggested that the contraband which was seized from the active possession of the accused persons is the prohibited material under the provisions of the N.D.P.S. Act, that is heroin.

Upon discussion as regards the entire oral as well as documentary evidence and the material evidence seized in connection with this case the Trial Court was satisfied that the accused person/appellant possessed the prohibited nature and amount of contraband at the material point of time to bring her within the purview of the penal provisions of the N.D.P.S. Act. The chemical examination report was sacrosanct as regards the nature of the contraband seized.

Under the circumstances, in consideration of the witnesses' statements and the documentary evidence the Trial Court has held the accused person as guilty of an offence under Section 29 of the said Act.

I have carefully gone through the evidence adduced by the witnesses before the Court as well as the documentary evidence relied on by the prosecution in this case. I do not find any sufficient material to differ with the finding of the Trial Court as regards the guilt of the accused person.

Hence, I do not find any reason to interfere with the judgment of the Trial Court as impugned in this appeal and the same is upheld.

However, in this case a report was sought for regarding the status of the accused person and by dint of the report dated 5<sup>th</sup> December, 2022, it has been informed that after serving the complete period of sentence, the accused person has been released from the Correctional Home on 1<sup>st</sup> October, 2016, that is, during pendency of this appeal. In view of the fact that the accused person has already served out the sentence period during pendency of this appeal, I award the appellant/accused person a sentence equivalent to the same.

With the above direction, this appeal is disposed of.

The Court is thankful for the hard work put in by the learned Counsel and assistance rendered by Mr. Mit Guha Roy in this case.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

**(Rai Chattopadhyay, J.)**