

Javed Khan Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Apr-12-2013

Appellant : Javed Khan

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. K.S.Rajpoot

Judgement :

-(1)- Cr. Appeal No.2045/2005 HIGH COURT OF MADHYA PRADESH:
JABALPUR Criminal Appeal No.2045/2005 Javed Khan & another Versus State of
Madhya Pradesh PRESENT: Honble Shri Justice R.S. JHA,
J.----- Shri K.S.Rajpoot,
learned counsel for the appellants. Shri Yadvendra Dwivedi, learned panel lawyer
for the State/respondent.

JUDGMENT

(12-04-2013) The appellants have filed this appeal being aggrieved by the judgment dated 16-09-2005 passed by the Special Judge (NDPS), Bhopal, in Special Case No.6/2004 whereby the appellants have been found guilty of offences punishable under Section 8C/20-B(2b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and have been sentenced to three years' R.I. each with fine of Rs.5000/- each and in default of the same a further sentence of six months each 2. The prosecution case, in brief, is that R.K.Upadyyaya (P.W.8),

the then Assistant Sub Inspector, Police Station G.R.P., Bhopal received information from an informant on 9-12-2003 to the effect that both the appellants, travelling by Southern Express train in general compartment are carrying about 24 Kilograms of Ganja in two separate bags for the purposes -(2)- Cr. Appeal No.2045/2005 of sale. Thereafter when the concerned train reached Bhopal, the appellants were caught on the platform and on search, were found to be in possession of about 24 Kilograms of Ganja, a contraband article, in two different bags. After preparation of the Panchnama regarding seizure of Ganja on the spot the police further proceeded and investigated the matter in accordance with law and on completion of the investigation filed a charge sheet against the appellants in the Court below.

3. The Court below has extensively examined the oral and documentary evidence on record and found the prosecution case established beyond doubt and thereby imposed upon both the appellants a sentence to undergo three years' R.I. each with fine of Rs.5000/- each and in default of the same a further sentence of six months each for the offence punishable under Section 8C/20-B(2b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

4. On a perusal of the impugned judgment as well as the oral and documentary evidence on record it is clear that the court below has recorded its finding on the basis of the statements of Investigating Officer R.K.Upadhyay (PW-8), S.S.Sikarwar (PW-7), Head Constable, Malua Prasad (PW-5), R.S. Parihar (P.W.-8), A.K.Shukla (PW-4), who has deposed that report Ex.P-29 received from of F.S.L., Sagar, shows that the articles alleged to have been seized from the possession of the appellants were found to be Ganja.

5. The finding arrived at by the Court below is on the basis of detailed analysis of the testimony of the -(3)- Cr. Appeal No.2045/2005 witnesses and the documents on record and the same does not suffer from any material irregularity or apparent illegality warranting interference by this court.

6. On an analysis and scrutiny of the witnesses as stated above and the F.S.L. report the commission of the offence by the appellants is established. In the circumstances, I find no substance in the appeal or reason to interfere in the

impugned judgment. The appeal being meritless is accordingly dismissed. (R.S. Jha) Judge msp/mct

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