



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No.368 of 2023

Rambabu S/o Madhava Aged About 65 Years Ex-Senior Porter,
Commercial Department, R/o Ward No. 15 Dahiyan Bhata
P.O.Bagbahara District Mahasamund Chhattisgarh Pin 493449

---Petitioner

Versus

State Of Chhattisgarh Through The Police Station Arang, District
Raipur Chhattisgarh

---- Respondent

For Petitioner: Shri Barun Chakarabarty, Advocate.
For Respondent/State: Shri Ashish Gupta, PL.

Hon'ble Shri Justice Deepak Kumar Tiwari

Order on Board

21.02.2023

1. This Petition has been filed for modification of the judgment dated 09.10.2020 passed by the co-ordinate Bench of this Court in Criminal Appeal No.737/2011.
2. Shri Chakarabarty submits that the Petitioner has been convicted vide order dated 22.09.2011 passed by the Special Sessions Judge (NDPS)/Raipur in Special Criminal Case No.02/2009, which has been affirmed in the judgment dated 09.10.2020 passed by the co-ordinate Bench of this Court in Criminal Appeal No.737/2011. He further submits that this Court, while passing the said judgment, having considered that the incident took place 11 years back and he was



found in illegal possession of ganja of 5.200 gms of ganja, reduced the sentence imposed on him to the period already undergone. He lastly submits that the Petitioner is a Government servant and the said judgment will adversely affect his carrier and therefore, the same may be modified to the extent that in the last line of operative portion i.e. para-8, after the words “the period already undergone”, the words “the consequent benefit of service will not adversely affect” may be inserted, so that the service of the Petitioner would not be adversely affected.

3. Per contra, Shri Gupta submits that there is no scope of modification in the judgment dated 09.10.2020.

4. Heard learned Counsel for the parties and perused the judgment dated 09.10.2020 carefully.

5. Having considered the submissions made and having perused the said judgment, this Court finds that there is no scope of modification therein.

6. Accordingly, the instant Petition is **dismissed** at motion stage itself, as the same is bereft of any merits.

Sd/-

(Deepak Kumar Tiwari)
Judge