

HIGH COURT OF CHHATTISGARH, BILASPUR



CRA No. 1694 of 2021

1. Shubham Sharma, S/o Ravindra Sharma, Aged About 20 Years, R/o Village Kosta, Raithara, Thana-Saman, District : Rewa, Madhya Pradesh.
2. Ashish Mishra, S/o Saroj Kumar Mishra, Aged About 21 Years, R/o Chillgaon, Police Station-Naigarhi, District : Rewa, Madhya Pradesh.

---- Appellants

Versus

1. State of Chhattisgarh Through District Magistrate, Raigarh, District : Raigarh, Chhattisgarh

----Respondent

23/02/2022	Mr. Goutam Khetrapal, Advocate for appellant No.1. Mr. Awadh Tripathi, Advocate for appellant No.2. Ms. Shivali Dubey, Panel Lawyer for State. Heard on IA No.3, application for suspension of the sentence of fine amount imposed upon the appellant No.2. By the impugned judgment dated 17.12.2021 passed by the learned Special Judge, (NDPS)Act, Raigarh, District-Raigarh, Chhattisgarh in Special (NDPS) Case No.10/2018, Appellant stands convicted as under:- <table><thead><tr><th data-bbox="215 1435 836 1525">Conviction</th><th data-bbox="836 1435 1543 1525">Sentence</th></tr></thead><tbody><tr><td data-bbox="215 1525 836 1688">U/s 20(B)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.</td><td data-bbox="836 1525 1543 1688">RI for 15 years & fine amount of Rs.1,00,000/-and in default of payment of fine further R.I. for the period of 4 years.</td></tr></tbody></table> Learned counsel for the appellant No.2 submits that appellant No.2 does not have financial resources to pay the huge amount of fine, therefore, this fine sentence may also be suspended as suspension of sentence has already been granted by the order of this Court vide order dated 11.2.2022. Learned State counsel opposes the submissions made by counsel for appellant.	Conviction	Sentence	U/s 20(B)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.	RI for 15 years & fine amount of Rs.1,00,000/-and in default of payment of fine further R.I. for the period of 4 years.
Conviction	Sentence				
U/s 20(B)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.	RI for 15 years & fine amount of Rs.1,00,000/-and in default of payment of fine further R.I. for the period of 4 years.				



After considering on the submissions, the present application is allowed with modification. The appellant No.2 is directed to make payment of 50% of fine amount of Rs.50,000/- within a period of one month and on making such payment the recovery of the remaining amount of fine from the appellant No.2 shall remain suspended.

Accordingly, IA No.3 is allowed and it is directed that part of the sentence of fine shall remain suspended till the final disposal of this appeal.

Sd/-

(R.C.S. Samant)

Judge

Sd/-

(Arvind Singh Chandel)

Judge

