

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE
UDHAMPUR

69/challan D.O.I.17.3.2017 D.O.D.02.02.2019

State Vs 1.Ghulam Rasool S/O Shan Mohd
R/O vill.Lansi Kirmchi Tehsil &
Distt. Udhampur.
2.Farooq Mohd.R/O vill.Lansi
Kirmchi Tehsil &Distt. Udhampur.

(FIR NO. 04/16 of PS Udhampur, offence
under section 8/20 NDPS Act)

Sr. PO present.
Accused present.

ORDER

02.02.2019:.

The file is pending before this court since 2017. As per the challan filed against the accused persons, they have been found liable for the commission of offence under section 8/20 NDPS Act. At this stage, accused have commenced an application, stating therein their intention to plead guilty to the accusation put forth against them in the charge sheet. However, they have prayed for lenient view by the court.

The accused were told that they are not bound to confess their guilt, and that they have right to contest the case. Consequences of confession of guilt were also explained to them. However, they remained firm in their resolve to plead guilty.

Statement of the accused in admission of their submissions have been recorded and retained on the record of the file. It is recorded by the accused that they are habitual of consuming the charas and 50 gm of charas was allegedly recovered from the

possession of the accused No.1 and 70 gms from the possession of accused No.2 The possession in terms of section 8 of NDPS is established by the confession of the charge, the section 20 (1) of the NDPS Act 1985 enumerates that where the contravention involves the smaller quantity the rigorous imprisonment for a term of one year or with fine which may extend to ten thousands, or with both is prescribed. The accused are the first offender and no previous conviction is proved, the lenient view of imposing the sentence is attracted. Taking into account the fact that accused have voluntarily pleaded guilty to the commission of offence as also the facts and circumstances of the case, the accused are convicted and sentenced to fine of Rs. 3000/- each or to undergo the rigorous imprisonment of 3 months for the commission of offence under section 8/20 NDPS Act. The fine shall be paid by the accused today only, failing which, they shall undergo rigorous imprisonment for a period of 3 months w.e.f. today. The fine paid by the accused shall be remitted to the Government Treasury under rules.

The articles ,if any, seized during the personal search of the accused shall be released in their favour as per their memo of personal search forming part of the case file. Seized material be destroyed after the period of appeal is over.

Record of the file be properly compiled and consigned to records.

Announced:
02.02.2019

CHIEF JUDICIAL MAGISTRATE,
UDHAMPUR