



2026:CGHC:3945



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 272 of 2017

1 - Kailash Prasad Kewat @ Pachbhaieya S/o Anjor Singh Kewat, Aged About 40 Years R/o Maldi, Police Station Bilaigarh, District Baloda Bazar Bhatapara, Chhattisgarh.

... Appellant(s)

versus

1 - State Of Chhattisgarh Through Station House Officer, Police Of Police Station Bilaigarh, District Baloda Bazar Bhatapara, Chhattisgarh.,

... Respondent(s)

For Appellant (s)	:	None present.
For Respondent/State	:	Shri Rishi Raj Pithava, Dy.GA

(Hon'ble Shri Justice Arvind Kumar Verma)

Judgment on Board

22/01/2026

Perused the concerned report received from the jail authorities.

2. From perusal of the communication and annexed documents of the concerned jail authorities, it appears that the present appellant, who



was convicted by the learned Special Judge (NDPS) and First Additional Sessions Judge, Baloda Bazar, District Baloda Bazar-Bhatapara (CG) in Special S.T. No. 03/2015 under Section 20(B)(ii)(B) of the NDPS Act and sentenced to RI for three years and to pay fine of Rs.10,000/- , had served the entire sentence after availing benefit of remission and by depositing the entire fine amount before the trial Court, released on 23.07.2018.

3. When the matter was called out today, none appeared on behalf of the appellant. In the circumstances, this Court deems it appropriate to proceed with the hearing of the appeal by appointing a counsel through the High Court Legal Services Committee.

4. Accordingly, Ms. Seema Singh, empanelled Legal Aid Counsel, is appointed to represent the appellant and to argue the appeal on his behalf. The Secretary, High Court Legal Services Committee, is directed to issue the requisite authorization letter in her favour.

5. This Court has perused the judgment under appeal, the depositions of the prosecution witnesses and the documentary evidence on record, with the assistance of the learned Legal Aid Counsel and the learned State Counsel. In view of the law laid down by the Supreme Court in ***Surya Baksh Singh v. State of Uttar Pradesh, (2014) 14 SCC 222***, this Court does not find it necessary to adjourn the matter or to issue fresh notice to the appellant, as his interests have been adequately safeguarded by the appointment of a Legal Aid Counsel.



6. Learned counsel for the appellant submits that the sentence awarded to the appellant by the trial court for the offence punishable under Section 20(B)(ii)(B) of the NDPS Act for 3 years, has already been completed and the fine amount has been deposited by him. He further submits that he has already been released from jail on 23.07.2018 as such, the instant criminal appeal be disposed of accordingly.

7. Learned State counsel has no objection to the above submission made by the learned counsel for the appellant. In this regard, he has placed reliance on the dictum rendered by Supreme Court in the matter of **Suresh Singh and Another v. State of Haryana reported in (2007) 13 SCC 518**. Paragraph-12 of the said judgment is relevant for the purpose, which is reproduced below for easy reference :-

“12. It appears that thereafter on 22.01.2007, Criminal Miscellaneous Petition No. 1497 was filed wherein it was stated that Devender Singh (Accused 1) had expired. Death certificate was also produced along with the application. It was further stated that Jai Bhagwan (Accused 2), Jai Pal (Accused 4) and Shamsheer Singh (Accused 5) be permitted to withdraw from special leave petition since all the three had already undergone the sentence and special leave on their behalf had become infructuous. The said application was allowed by the Court and the prayer was granted. Thus, out of the six accused only two have remained viz. Suresh Singh, Appellant 1 (Accused 3) and Jagbir Singh, Appellant 2 (Accused No.6).”

8. Since the appellant had already served the entire sentence and released on 23.07.2018 after availing benefit of remission and after



depositing the fine amount before the trial Court and the learned counsel for the appellant does not want to press this appeal on merits, the instant criminal appeal is disposed of.

9. Since the appellant had already served the entire sentence and released on 23.07.2018 after availing benefit of remission and after depositing the fine amount before the trial Court and the learned counsel for the appellant does not want to press this appeal on merits, the instant criminal appeal is disposed of.

10. Let the written instructions received from the Jail Superintendent, Central Jail, Raipur be kept on record.

Sd/-

(Arvind Kumar Verma)
Judge