

**IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH**

-:-

**Crl. Appeal No. S-2229-SB of 2003
Decided on : August 12, 2015**

Arjan Singh

... Appellant

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR.JUSTICE MAHAVIR S. CHAUHAN

Present : Ms. Mandeep Kaur, Advocate, for
Mr. Divjyot Singh Sandhu, Advocate and
Mr. Rakesh Kumar, Advocate, for the appellant.

Mr. Deepak Garg, Asstt. A.G., Punjab, for the respondent-State.

Mahavir S. Chauhan, J. (Oral)

The appellant – Arjan Singh was charged by learned Judge, Special Court, Kapurthala (for short- 'trial Court'), for commission of an offence punishable under Section 15 of the Narcotic Drugs and Pshychotropic Substances Act, 1985 (for short 'the Act') for having been found in unauthorised possession of poppy-husk weighing 35 kgs on July 21,1998.

On the plea of not guilty appellant was put to trial. During the trial, prosecution examined Constable Paramjit Singh (PW-1), Constable Joginder Singh (PW-2), H.C Skattar Singh (PW-3), ASI Kashmir Singh (PW-4), D.S.P Ravcharan Singh (PW-5) and H.C Dilbag Singh (PW-6).

All the incriminating circumstances available on record were put to the appellant in terms of Section 313 of the Code of Criminal Procedure, 1973 ('Cr.P.C' – for short). The appellant denied all these circumstances and reiterated the plea of innocence and his false implication. He also examined

Kirpal Singh (DW-1) , Kewal Singh (DW-2) and H.C Rajiv Kumar (DW-3) in

his defence.

Learned trial Court, on appraisal of the evidence available on record and on hearing the parties came to the conclusion that the prosecution was able to prove its case beyond reasonable doubt and, accordingly, vide judgment/order dated 20.11.2003, convicted and sentenced the appellant to undergo rigorous imprisonment for a term of four years with a fine amounting to Rs.30,000/- and in default of payment of fine, to further rigorous imprisonment for four months under Section 15 of the Act.

The appellant is in appeal to challenge his conviction and sentence awarded by the learned trial Court, vide judgment/order dated 20.11.2003.

I have heard learned counsel for the parties.

Learned counsel for the appellant, at the very outset, on instructions from the appellant, states that the appellant does not dispute the findings of conviction recorded by the learned trial Court. He, however, prays for a lenient view as regards quantum of sentence by stating that when the occurrence took place, he was 43 years old and has spent best part of his life in facing the agony of investigation, protracted trial and consequent proceedings and is only bread-winner of his family.

In view of above, while maintaining the findings of conviction recorded by the learned trial Court, order on quantum of sentence is modified and substantive sentence awarded to the appellant is reduced to rigorous imprisonment for one year. However, sentence as regards fine and default clause are maintained.

With the above modification in the order on quantum of sentence,

the appeal fails and is dismissed.

The appellant is on bail. As per order dated 19.07.2001, the appellant, all that time while admitting to bail, had undergone three months after conviction, therefore, he shall surrender before the Jail authorities concerned forthwith failing which Chief Judicial Magistrate, Kapurthala, shall cause his arrest to send him to jail to suffer remainder of his sentence/imprisonment.

August 12, 2015
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[Mahavir S. Chauhan]
Judge