

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

CRA-S-101-SB-2014 (O&M)

Date of Decision : 30.01.2015

Gurmail Singh

....Appellant

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr.Satbir Gill, Advocate
for the appellant.

Ms.Amarjit Kaur Khurana, Addl. AG, Punjab.

- i. Whether Reporters of local papers may be allowed to see the judgment?
- ii. To be referred to the Reporters or not?
- iii. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This is an appeal against conviction of the appellant under Sections 18(c) of the NDPS Act whereby the appellant was sentenced to undergo rigorous imprisonment for a period of 5 years and to pay a fine of Rs. 50,000/- and in default of payment of fine he was further sentenced to undergo rigorous imprisonment for a period of fifteen months.

Today the case was fixed for hearing on the application for suspension of sentence viz. CRM No. 39161 of 2014 but on the request of learned counsel the main case is taken up for hearing.

Custody certificate by way of affidavit of Lalit Kumar Kohli, Deputy Superintendent(Officiating Superintendent), Central Jail, Ferozepur has been filed. Taken on record. As per custody certificate the applicant-

appellant has undergone 1 year 3 months and 26 days of actual sentence out of total sentence of 5 years.

Learned counsel for the applicant-appellant has argued that the applicant-appellant was found in possession of 1.5 Kilograms of opium which is a non-commercial quantity. He further states that he does not press this appeal on merits but considering the fact that it was his first offence and the recovery is non-commercial quantity some leniency in the sentence may be shown. He has further stated that no other case is pending against the appellant. Learned Addl.AG has accepted these facts.

In the circumstances even while maintaining the conviction I reduce the sentence of the appellant to 2 ½ years.

The application for suspension of sentence viz. CRM No. 39161 of 2014 and the appeal stand disposed of in the above terms.

Since the main case has been decided, the Criminal Misc.Application, if any also stands disposed of.

(AJAY TEWARI)
JUDGE

January 30, 2015
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