

CRA-S-1421-SB of 2015 (O & M)

1

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

**CRA-S-1421-SB of 2015 (O&M)
Date of Decision: 06.08.2015**

Karamdeep Singh

... Appellant

Versus

The State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Rahul Vats, Advocate for the appellant.

Mr. K.S. Sidhu, DAG, Punjab.

Paramjeet Singh, J. (Oral)

Present criminal appeal has been preferred by the appellant against the judgment of conviction and order of sentence dated 18.03.2015 passed by Special Court, Mansa whereby appellant has been convicted for the offence punishable under Section 18 of the Narcotic Drugs and Psychotropic Substances Act and sentenced to undergo

rigorous imprisonment for one year and to pay a fine of Rs.5,000/- and in

default thereof, to undergo further rigorous imprisonment for three months.

I need not dilate upon the facts of this case in detail as the same have already been recapitulated in the judgment of the Court below and in view of the ultimate prayer of the appellant seeking reduction in sentence.

I have heard the learned counsel for the parties and perused the record.

Learned counsel appearing for the appellant states that he is not pressing this criminal appeal on merit and is not challenging the conviction on merit. He is only aggrieved against the sentence part. However, he prays that sentence of the appellant be suitably reduced as this criminal trial is hanging on his head like damocle's sword for more than three years and it should be a sufficient mitigating circumstance to treat him leniently. Learned counsel for the appellant has further submitted that the FIR pertains to the year 2012 and since then a period of more than three years has elapsed. The appellant has suffered the ordeal for long period. Learned counsel for the appellant further submits that the appellant has already undergone the imprisonment for about 05 months and 19 days as on 06.08.2015. He is a first offender and no other case under NDPS Act is pending against him.

Learned counsel for the State vehemently opposes the reduction in sentence.

I have considered the contentions raised by learned counsel for the parties.

Ancient penological approach was custodial measure to curb crime. But in modern days, penological approach should be balanced keeping in view the needs of the community and interests of the accused: such as compensation to the victims, release on admonition, probation etc. These are being adopted to reform the criminal convicts. The object of criminal justice system is to reform the offenders and to make them see and follow the right path. Otherwise also jails are often overcrowded.

In view of the arguments advanced by learned counsel for the appellant, which have been noted above, this Court is of the view that no useful purpose will be served by keeping the appellant behind bars as the appellant has already faced ordeal for more than three years and he has undergone the imprisonment for about 05 months and 19 days. It is a fit case wherein sentence awarded to the appellant can be reduced to already undergone. Ordered accordingly. The impugned judgment of sentence and order of conviction including default clause stand affirmed with aforesaid modification. The appellant, who is stated to be in custody, be released forthwith, if not required in any other case. However, if the

CRA-S-1421-SB of 2015 (O & M)

4

amount of fine is not paid, the appellant will have to undergo default imprisonment for a period of three months as awarded by the trial Court.

With the observations made above, present appeal is disposed of.

August 06, 2015.
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(PARAMJEET SINGH)
JUDGE