

CRA-S-1879-SB-2015

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

**CRA-S-1879-SB-2015 (O & M)
Date of Decision: 26.05.2015**

Amarpal Kaur

... Appellant (s)

Versus

State of Punjab

... Respondent(s)

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. Vivek Goel, Advocate,
for the appellant.

Mr. S.S.Chandumajra, DAG, Punjab.

Paramjeet Singh, J. (Oral)

Present criminal appeal has been preferred by appellant against judgment of conviction and order of sentence dated 12.03.2015 passed by learned Special Judge, Faridkot whereby appellant has been convicted for the offence punishable under Section 15 of the Narcotic Drugs and Psychotropic Substances Act and sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of ₹2,000/-, in default, to undergo further rigorous imprisonment for one month.

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I need not dilate upon the facts of this case in detail as the same have already been recapitulated in the judgment of the learned 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 for the appellant states that he is not pressing this appeal on merit and is not challenging the conviction on merit. He is only aggrieved against the sentence part. Learned counsel for the appellant prays that sentence of the appellant be suitably reduced as this criminal trial is hanging on her head like Damocle's sword for more than two years and it should be a sufficient mitigating circumstance to treat her leniently. Learned counsel for the appellant has further submitted that FIR relates to the year 2013 and since then a period of more than two years has elapsed. The appellant is a first offender. The appellant has suffered the ordeal of trial for this long period. Learned counsel for the appellant submits that appellant has already undergone imprisonment for approximately two and half months.

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

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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 since the recovery is only 10 kgs of poppy husk which is non-commercial quantity, no useful purpose will be served by keeping the appellant behind the bars as the appellant had already faced ordeal for more than two years. 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 amount of fine is not paid, the appellant will have to undergo default imprisonment for a period of one month as awarded by the trial Court.

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

26.05.2015
parveen kumar

(Paramjeet Singh)
Judge