

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

Crl. Appeal No.S-903-SB of 2011

Date of Decision: 18.11.2015

Ranjit Singh

....Appellant

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. Ashok Giri, Advocate
for the appellant.

Mr. Rupam Aggarwal, D.A.G., Punjab
for the respondent-State.

DAYA CHAUDHARY, J.

The present appeal has been filed to challenge the judgment of conviction and order of sentence passed by the Judge Special Court, Shaheed Bhagat Singh Nagar (Nawanshahr), whereby, the accused-appellants, namely, Ranjit Singh has been convicted for offence punishable under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and was sentenced to undergo rigorous imprisonment for a period of nine months and to pay a fine of ₹ 2,000/- with default clause vide judgment dated 26.03.2011.

Initially, there were two accused, namely, Ranjit Singh (the present appellant) and Balwinder Kumar, who faced trial but accused, namely, Balwinder Kumar was acquitted of the charge framed against him by the trial Court and the present appellant, namely, Ranjit Singh was convicted for the offence as mentioned above.

Aggrieved by the said judgment of conviction and order of sentence dated 26.03.2011 passed by the Judge Special Court, Shaheed Bhagat Singh Nagar (Nawanshahr), the accused-appellant, namely, Ranjit Singh has filed the present appeal.

After arguing the case at length, learned counsel for the appellant submits that the appellant is facing the agony of trial since lodging of FIR i.e 26.03.2011 and has undergone actual sentence of more than 1½ months against the total sentence of nine months and no other case of NDPS Act is pending against him. Learned counsel also submits that in case, the sentence of the accused-appellant is reduced to the period already undergone, he will not contest the conviction.

Learned counsel for the respondent-State has not disputed the custody period of the appellant and also the fact that no other case of NDPS Act is pending against him.

In view of the submissions made by learned counsel for the appellant and by considering the fact that the appellant is facing trial since lodging of FIR i.e 26.03.2011; no other case of NDPS Act is pending against him; the alleged recovery is also non-commercial and he has a large family to support being the sole bread winner of the family, the sentence awarded to him is reduced to the period already undergone subject to his depositing the amount of fine within a period of one month from the date of receipt of certified copy of this order before the Chief Judicial Magistrate concerned.

Accordingly, the present appeal is disposed of with the said modification in sentence.

18.11.2015
gurpreet

(DAYA CHAUDHARY)
JUDGE