

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Appeal No. S-3041-SB of 2015 (O&M)

DATE OF DECISION: 18.11.2015

Nishan Singh

.....Appellant

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. **Whether reporters of local newspaper may be allowed to see 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. Rishu Mahajan, Advocate
for the appellant.

Mrs. Ritu Punj, Addl. A.G., Punjab.

DAYA CHAUDHARY, J.

The present appeal has been filed to challenge the judgment of conviction and order of sentence dated 27.4.2015 passed by Judge, Special Court, Amritsar, vide which, the accused-appellant has been convicted for offence punishable under Section 20 of NDPS Act and sentenced to undergo RI for a period of one year with payment of fine of ₹ 2000/- with default clause.

Learned counsel for the appellant has challenged the aforesaid judgment of conviction and order of sentence by raising various grounds on merits but contends that the appellant is facing agony of trial since the lodging of the FIR i.e. 27.11.2011 and no other case under NDPS

Act is pending against him. Learned counsel further contends that the appellant has undergone actual custody of more than nine months against the total sentence of one year. Learned counsel also contends that he would not contest the conviction if the sentence is reduced to the period already undergone.

Learned counsel for the respondent-State has filed custody certificate in Court today and the same is taken on record.

As per custody certificate, the appellant has undergone actual custody of nine months and three days as on 17.11.2015 and no other case under the NDPS Act is pending against him.

Keeping in view the limited prayer of the appellant and considering the fact that the appellant is a poor person and having a large family to support; is facing trial since the date of lodging of the FIR i.e. 27.11.2011; no other case under the NDPS Act is pending against him and has already undergone actual custody of more than nine months against the total sentence of one year, the request of learned counsel for the appellant is accepted. The conviction is upheld and the sentence imposed upon the appellant is ordered to be reduced to the period already undergone by him. The appellant is directed to be released, if not required in any other case, subject to deposit of fine of ₹ 2000/- with the trial Court within a period of two weeks from today.

Accordingly, the appeal is disposed of with the modification in sentence as mentioned above.

November 18, 2015
pooja

(DAYA CHAUDHARY)
JUDGE

