

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Appeal No.S-3359-SB of 2015

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Date of decision:17.9.2015

U.T. Chandigarh

...Appellant

v.

Pankaj

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. J.S. Toor, Advocate for the appellant.

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Inderjit Singh, J.

This criminal appeal has been filed by appellant-U.T. Chandigarh for enhancement of sentence of accused/respondent-Pankaj challenging the judgment of conviction and order of sentence dated 1.5.2015 passed by learned Judge, Special Court, Chandigarh, whereby respondent-Pankaj has been held guilty and convicted for the offence under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the Act'). Respondent-Pankaj has been sentenced to undergo rigorous imprisonment for 73 days and to pay a fine of ₹1,000/- and in default of payment of fine to further undergo rigorous imprisonment for fifteen days for the offence under Section 15 of the Act.

I have heard learned counsel for the appellant and have gone through the record.

The challan was presented against accused-Pankaj in FIR No.120 dated 23.3.2014 registered for the offence under Section 15 of the Act at Police Station Sector 39, Chandigarh for possesssing 5 Kgs. of poppy husk. The learned Judge, Special Court, Chandigarh, vide judgment and order dated 1.5.2015 sentenced the accused to undergo rigorous imprisonment as mentioned above. Aggrieved from this order of sentence, this appeal has been filed for enhancement of sentence.

After hearing learned counsel for the appellant-U.T. and after going through the record, I find that the learned Judge, Special Court, Chandigarh in the order of sentence has held that the accused is only bread winner of his family. The recovery of 5 Kgs. of poppy husk does not fall in the commercial quantity. The accused-responent is 1st offender. No other criminal case has been pending against him and no minimum sentence has been provided in this case.

In view of the reasoning given and the fact that the recovery is of 5 Kgs. of poppy husk, I find that no ground is made out for enhancing the sentence.

Therefore, finding no merit in this appeal, the same is dismissed.

September 17, 2015.

(Inderjit Singh)
Judge

hsp

