

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Appeal No. S-1694-SB of 2003 (O&M)

Date of Decision : March 04,2015

Mangal Singh @ Mangi

.....Appellant

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE T.P.S.MANN

Present : Mr. S.S. Rana, Advocate
for the appellant.

Mr. Vikram Bishnoi, Assistant A.G., Punjab.

T.P.S. MANN, J. (Oral)

The appellant was tried for committing an offence punishable under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') for being found in possession of 33 kgs. of poppy husk. Vide judgment and order dated 22.7.2003 passed by the Judge, Special Court, Ludhiana, the appellant was convicted for the aforementioned offence and sentenced to undergo rigorous imprisonment for a period of two years and to pay a sum of Rs.5,000/- as fine and in default of payment of the same, to further undergo rigorous imprisonment for a period of six months. The period already undergone by him during the pendency of the trial was ordered to be set off against the period of sentence awarded to him.

During the pendency of the appeal, the appellant

filed miscellaneous application (Criminal Misc. No.51182 of 2012 under Section 427(2) read with Section 482 Cr.P.C.) for running of the aforementioned sentence of imprisonment concurrently with the sentence of imprisonment already awarded to him in another case arising out of FIR No.74 dated 1.5.2000 under the NDPS Act registered at Police Station Sidhwan Bet, District Ludhiana, wherein he was awarded imprisonment for ten years.

Learned counsel for the appellant has submitted that the appellant does not challenge his conviction in the present case. Instead, the appellant prays for taking lenient view in the matter of sentence, in the present case, as the appellant was said to have been found in possession of only non-commercial quantity of poppy husk, i.e. 33 kgs. He is facing the agony of criminal prosecution for the last about 16 years. He has been sentenced to undergo imprisonment for two years. Out of the same, he has already undergone an actual period of about three and half months as an under-trial. Therefore, the remaining sentence of imprisonment imposed upon the appellant be set aside. He further submits that in such an event, the appellant will not press the aforementioned miscellaneous application.

Learned State counsel has vehemently opposed the prayer made on behalf of the appellant by submitting that the

appellant was found in possession of huge quantity of poppy husk and the menace of drugs is on the increase and ought to be curbed with a heavy hand.

After hearing learned counsel for the parties, this Court is of the considered view that no useful purpose would be served by sending the appellants behind the bars in the present case to undergo his remaining sentence of imprisonment. Ends of justice would be amply met if the substantive sentence of imprisonment imposed upon the appellant is reduced to the one already undergone by him.

Resultantly, the conviction of the appellant under Section 15 of the NDPS Act is maintained and his substantive sentence of imprisonment is reduced to the one already undergone by him. The amount of fine of Rs.5,000/- is, however, enhanced to Rs.15,000/- and in default of payment of the same, the appellant shall undergo rigorous imprisonment for a period of nine months.

The appeal, as well as miscellaneous application . i.e. Crl.Misc.No.51182 of 2012, are, accordingly, disposed of.

March 04, 2015
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(T.P.S. MANN)
JUDGE