

Crl. Misc. No. 29771 of 2015 in
Crl. Appeal No. S-3928-SB of 2015

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. 29771 of 2015 in
Crl. Appeal No. S-3928-SB of 2015

DATE OF DECISION: 3.11.2015

Charanjit Kaur @ Rani

.....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. SS Gill, Advocate
for the appellant.

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

DAYA CHAUDHARY, J.

Crl. Misc. No. 29771 of 2015

This application has been filed under Section 389 Cr.P.C. for suspension of sentence on behalf of applicant-appellant, namely, Charanjit Kaur @ Rani, during the pendency of appeal.

Learned counsel for the applicant-appellant requests for hearing of the appeal today itself.

Request is accepted and appeal is also taken up for hearing today itself.

Crl. Appeal No. S-3928-SB of 2015

The present appeal has been filed to challenge the judgment

of conviction and order of sentence dated 1.9.2015 passed by Judge, Special Court, Sangrur, vide which, the accused-appellant has been convicted for offence punishable under Section 15 of NDPS Act and sentenced to undergo RI for a period of four months 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. 16.3.2014 and no other case under NDPS Act is pending against her. Learned counsel further contends that the appellant has undergone actual custody of more than three months against the total sentence of four months i.e. w.e.f 16.3.2014 to 22.4.2014 during trial and she is behind bars from the date of conviction i.e. 1.9.2015. Learned counsel also contends that he would not contest the conviction if the sentence is reduced to the period already undergone.

Keeping in view the limited prayer of the appellant and considering the fact that the appellant is a woman; is facing trial since the date of lodging of the FIR i.e. 16.3.2014; is the first offender as no other case is pending against her and has already undergone actual custody of more than three months against the total sentence of four months, 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 her.

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

November 03, 2015
pooja

(DAYA CHAUDHARY)
JUDGE