

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CRA No. S-2320-SB of 2003(O&M)

Date of Decision:21.01.2015

Pritam Singh

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: Hon'ble Mrs. Justice Sabina

Present: Mr.R.K.Trikha,Advocate
for the appellant
Mr.K.S.Aulakh,Assistant
Advocate General, Punjab

Sabina, J.

Appellant had faced trial in FIR No. 127 dated 18.7.2001 registered at Police Station Subhanpur, District Kapurthala under Section 15 of the Narcotic Drugs and Psychotropic Substances Act ('the Act' for short). Trial Court vide judgment/order dated 4.12.2003 convicted and sentenced the appellant for commission of offence punishable under Section 15 of the Act. Hence, the present appeal by the accused-appellant.

As per the prosecution case, appellant was found in possession of 12 kg 250 grams of poppy husk without any permit or licence..

During the course of arguments, learned counsel for the appellant has not challenged the conviction of the appellant under Section 15 of the Act as ordered by the Trial Court but has submitted that the sentence qua imprisonment of the appellant be

reduced to the period already undergone by him. Learned counsel for the appellant has further submitted that the appellant is now aged about 83 years and is not a previous convict.

A perusal of the custody certificate of the appellant, placed on record by the learned State counsel, reveals that the appellant has undergone more than four months of actual sentence and is not involved in any other criminal case. Appellant is facing criminal proceeding since the year 2001 and is now stated to be 83 years of age.

Keeping in view the submissions made by learned counsel for the appellant, it would be just and expedient to reduce the sentence qua imprisonment of the appellant to the period already undergone by him.

Accordingly, the conviction of the appellant under Section 15 of the Act is maintained. However, the sentence qua the imprisonment of the appellant is reduced to the period already undergone by him.

Appeal stands disposed of accordingly.

**(Sabina)
Judge**

January 21,2015
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