

CRA-S-4433-SB of 2014

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRA-S-4433-SB of 2014 (O&M)

Date of decision: 13.05.2015

Nazeer Ahmad

....Appellant

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: - Mr. Rahul Rampal, Advocate, for the appellant.

Mr. K.S. Sidhu, DAG, Punjab.

PARAMJEET SINGH, J. (ORAL)

Custody certificate, filed in Court today, is taken on record.

Present criminal appeal has been preferred by the appellant against judgment of conviction and order of sentence dated 23.09.2014 passed by the learned Judge Special Court, Ludhiana, whereby appellant, in a case arising from FIR No.63 dated 21.10.2009 registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act at Police Station Koom Kalan, District Ludhiana, has been sentenced as under:

<i>“U/s</i>	<i>Imprisonment & fine</i>	<i>In default</i>
<i>15 NDPS</i>	<i>R.I. for two years & ₹ 10,000/-</i>	<i>R.I. for three months”</i>

I need not dilate upon the facts of this case in detail as the same have already been recapitulated in the judgment of the trial Court and in view of the ultimate prayer of the appellant seeking reduction in

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sentence.

I have heard the learned counsel for the parties and perused the record.

Learned counsel for the appellants states that he is not pressing this appeal on merit and is not challenging the conviction on merit. He is only aggrieved against the sentence part. However, he prays that the sentence of the appellant be suitably reduced as this criminal trial is hanging on his head like damocle's sword for the last 5½ years and it should be a sufficient mitigating circumstance to treat him leniently. Learned counsel for the appellant has further submitted that the complaint pertains to the year 2009 and since then a period of 5½ years has elapsed. The appellant has suffered the ordeal for long period. Learned counsel for the appellant further contends that the appellant has already undergone more than nine months of sentence.

In view of the arguments advanced by learned counsel for the appellant, which have been noted above, this Court is of the view that no useful purpose will be served by keeping the appellant behind the bars further as the appellant faced ordeal for four years. As per custody certificate, appellant has already undergone 09 months and 08 days of sentence. It is a fit case wherein sentence awarded to the appellant can be reduced to already undergone. Ordered accordingly. The impugned judgment of conviction and order of sentence and, including default clause, stand affirmed with aforesaid modification. It goes without saying that if the amount of fine is not deposited, the appellant will serve

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the remaining part of sentence.

With the observations made above, present appeal is disposed of with a direction that the appellant be released immediately, if not required in any other case.

(Paramjeet Singh)
Judge

May 13, 2015
R.S.