

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRA-S-4659-SB-2014(O&M)
Date of decision : 19.01.2015

Kailash Rani

... Appellant

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Ashok Kumar Sama, Advocate
for the appellant.

Mr.Gazi Mohammad, DAG, Punjab.

REKHA MITTAL, J.

The present appeal has been directed against the judgment of conviction and order of sentence dated 13.10.2014 passed by the Judge, Special Court, Fazilka whereby the appellant has been convicted and sentenced for commission of offence punishable under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, detailed hereinbelow:-

Name of Convict	Under Section	Sentence (R.I.)	Fine(in Rs.)	In Default (S.I.)
Kailash Rani	15 of the Narcotic Drugs and Psychotropic Substances Act, 1985	9 months	7000/-	1 month

Counsel for the appellant fairly concedes that he does not assail finding of the trial Court in regard to conviction of the appellant but he may

be heard on the quantum of sentence.

Custody certificate filed in the Court is taken on record.

Counsel for the appellant contends that as per allegations of the prosecution, 4.5 kg. of poppy husk was recovered from the appellant on 02.09.2013. Kailash Rani has suffered trauma of criminal proceedings for the past about 1½ years and actual custody for a period of 4 months and 7 days out of substantive sentence of 9 months. No other criminal case is registered or pending against her. It is prayed that sentence awarded may be reduced to the period already undergone.

Counsel for the State has conceded to factual assertions but opposed the prayer for reduction of sentence.

I have heard counsel for the parties and perused the records.

Keeping in view the period of pendency of trial, actual custody undergone by the appellant, the nature and extent of recovery effected from her coupled with the fact that no other criminal case has ever been registered against the appellant much less being a previous convict, I am of the considered opinion that ends of justice would be served if substantive sentence awarded to the appellant is reduced to the period already undergone.

For the reasons aforesaid, the appeal stands disposed of with modification in the aforesaid terms.

(REKHA MITTAL)
JUDGE

January 19, 2015.

DK