

In the High Court of Punjab and Haryana at Chandigarh

--

CRA S 4927 SB of 2014 (O&M)

Date of Decision: 06.01.2015

Kuldeep Singh

versus

State of Punjab

---Appellant

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. S K Arora, Advocate

for the appellant

Mr. Ankur Jain, AAG, Punjab

for the respondent-State

-
1. Whether Reporters of local papers may be allowed to see the judgment?

2. To be referred to the Reporter or not?

3. Whether the judgment should be reported in the Digest?
-

REKHA MITTAL, J.

The present appeal has been directed against the judgment of conviction and order of sentence dated 21.11.2014 passed by the Special Judge-III, Ferozepur whereby the appellant has been convicted and sentenced for commission of offence punishable under Section 22 (b) of the Narcotic Drugs and Psychotropic Substance Act, 1985 (in short, NDPS Act), extracted herein below:-

Name of the convict	Convicted under Section	Period of sentence
Kuldeep Singh	Section 22(b) of NDPS Act	To undergo Rigorous Imprisonment for a period of one year and to pay fine of Rupees five thousand and in default of payment of fine, to further undergo Rigorous Imprisonment for a period of one month.

Counsel for the appellant fairly concedes that he does not press the appeal to challenge conviction of the appellant for the charged offence. He further submitted that the appellant may be heard on the quantum of

sentence.

Custody certificate filed in Court today is taken on record.

It is argued that the appellant has already suffered custody for a period of about nine months out of the substantive sentence of rigorous imprisonment for a period of one year. No other criminal case much less under the NDPS Act has been registered against the appellant. It is submitted that the substantive sentence awarded to the appellant may be reduced to the period already undergone.

Counsel for the State has not disputed factual assertions in view of the facts detailed in the custody certificate filed in the Court.

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

The criminal proceedings were initiated against the appellant on 07.11.2013. He remained in custody as an under trial with effect from 07.11.2013 to 06.06.2014. He is in custody after conviction since 21.11.2014. There is no criminal case much less under the NDPS Act registered against the appellant.

In view of the above, I am of the considered opinion that ends of justice would be met if the substantive sentence awarded to the appellant is reduced to the period already undergone. Accordingly, the substantive sentence awarded to the appellant is reduced to the period of custody already suffered by him.

For the reasons aforesaid, the appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

06.01.2015

mohan

