

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

CRA-S-1736-SB-2003(O&M)

Date of Decision :14.01.2015

Makhan Singh

..... Appellant

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr.SPS Sidhu, Advocate
for the appellant.

Mr.APS Gill, AAG, Punjab.

- i. Whether Reporters of local papers may be allowed to see the judgment?
- ii. To be referred to the Reporters or not?
- iii. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This appeal has been filed against the conviction of the appellant under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 for allegedly having in his possession 19 Kilograms and 500 grams of poppy husk.

Brief facts of the case are that on 18.07.2001, SI Makhan Singh of CIA Staff, Jagraon was present in the area of village Jangpur along with his co-officials for the purpose of patrolling where he met a police party headed by Balbir Singh, SI/SHO of Police Station Dhaka. They were going towards village Khandoor when they noticed six persons coming on different scooters carrying some load in the bags. On the basis of suspicion they were apprehended and poppy husk was recovered from the bag in

possession of accused-appellant Makhan Singh which on weighment was found to be 19 Kg 500 grams. After completion of usual formalities of investigation challan was filed in the Court against the accused-appellant.

After completion of trial the accused-appellant was convicted under Section 15 of the NDPS Act for a period of one year and to pay a fine of Rs. 5000/- and in default of payment of fine, he was sentenced to further undergo rigorous imprisonment for a period of three months.

Custody certificate by way of affidavit of Surinder Pal Khanna, Superintendent, Central Jail, Ludhiana has been filed as per which the appellant has already undergone 3 months and 18 days of actual sentence out of total sentence of one year.

Learned counsel for the appellant has argued that he does not press this petition on merits but only on the quantum of sentence. He further states that the appellant has already undergone 3 months and 18 days out of total sentence of one year and prays that the sentence awarded to the appellant may be reduced to that already undergone by him during these criminal proceedings . No other case is stated to be pending against him. Learned AAG has accepted this factual assertions.

In this view of the matter, even while dismissing this revision petition, I deem it appropriate to reduce the sentence of the appellant to that already undergone by him till now. Ordered accordingly. He be released forthwith if not required in any other case.

**(AJAY TEWARI
JUDGE**

January 14 , 2015
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