

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

CRA-S-1934-SB-2003(O&M)

Date of Decision : 15.01.2015

Bant Singh

.....Appellant

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Harsh Aggarwal, 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 judgment of conviction and order of sentence dated 19.10.2002 whereby the appellant was convicted under Section 15 of the NDPS Act, 1985 and was sentenced to undergo rigorous imprisonment for a period of 10 years and to pay a fine of Rs. 1 lac and in default of payment of fine he was further ordered to undergo rigorous imprisonment for a period of one year.

The case of the prosecution is that appellant was apprehended in the area of brick-kiln, Sangrur by a police party headed by SI Gurwinder Singh when he was seen coming on foot holding handle of a bicycle on the carrier of which one gunny bag was lying and another bag was put in the

frame of the cycle. On search of the bags 59.5 Kilograms of poppy husk was recovered. On completion of usual formalities of investigation challan was filed in Court against the appellant.

After framing of charge under Section 15 of the NDPS Act the appellant was chargesheeted and on completion of the trial the appellant was held guilty and convicted in the manner as indicated above.

At the very outset learned counsel for the appellant has argued that he would not press this appeal on merits but the fact is that the recovery was only slightly above the commercial quantity and the appellant has undergone more than 3 years and almost 4 months out of total sentence of 10 years and he has not been involved in any other case. Learned AAG has accepted this factual submission. He prays that the sentence of the appellant be reduced to that which he has already undergone during the continuation of these criminal proceedings.

In the circumstances I deem it appropriate to reduce the sentence of the appellant to that which he has already undergone even while enhancing the fine from Rs.1 lac to Rs.2 lacs.

Ordered accordingly. In case the fine is not deposited within a period of 2 months from today, the present revision shall be deemed to have been dismissed and the appellant will have to undergo rigorous imprisonment for a further period of six months.

Appeal stands disposed of in the above terms.

Since the main case has been decided, the Criminal Misc.Application, if any also stands disposed of.

(AJAY TEWARI)
JUDGE

January 15 , 2014
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