

CRA-S-1764-SB of 2003
Date of Decision:4.2.2015

Darshan Singh

---Appellant

versus

State of Punjab

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr.Shekhar Kumar, 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 judgment of conviction and order of sentence dated 6.9.2003 passed by the Special Judge, Fatehgarh Sahib whereby the appellant has been convicted and sentenced for keeping in possession 14 kgs of poppy husk without any licence or permit.

Counsel for the appellant fairly concedes that he does not assail the findings of the trial court on merits but appellant may be heard on question of quantum of sentence.

Custody certificate filed in Court, is taken on record.

Counsel for the appellants submits that Darshan Singh, convict has suffered trauma of criminal proceedings for the past about 14 years. He has suffered actual custody for a period of five months and 02 days out of

substantive sentence of two years awarded by the trial court. There is no other criminal case much less under the Act registered against him. It has been prayed that substantive sentence awarded by the trial court may be reduced to the period already undergone.

Counsel for the State has not disputed factual assertions but opposed the prayer for reduction of sentence.

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

The appellant was booked in the crime for keeping in possession 14 kgs of poppy husk on 13.2.2001 which culminated into judgment dated 6.9.2003. Perusal of the custody certificate, filed in the Court would substantiate contention of the appellant that he has suffered actual custody for a period of more than 05 months and there is no other criminal case registered against him. Keeping in view the fact that the appellant suffered agony of criminal proceedings for a period of about 14 years, coupled with the nature and extent of recovery and period of incarceration as an under trial and 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. However, sentence of fine with default stipulation shall remain intact.

The appeal stands disposed of with modification in the aforesaid terms.

(REKHA MITTAL)
JUDGE

4.2.2015
PARAMJIT