

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

Crl. Appeal No. S-1340-SB of 2004 (O&M)

Date of Decision: 09.12.2015

Bikar

.. Appellant

Vs.

State of Haryana

.. Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present:- Mr. Jitender Dhanda, Advocate
for the appellant.**

Mr. G.S. Salwara, DAG Haryana.

ANITA CHAUDHRY, J.

The appellant was tried by the learned Additional Sessions Judge, Hisar in FIR No. 73 dated 23.03.2001, registered at Police Station Adampur, under Section 15 of Narcotic Drugs and Psychotropic Substances Act, for keeping in his conscious possession 23.5 Kg of *chura post*.

The prosecution produced six witnesses at the trial.

Though, the case of the accused was of denial, but the trial Court, on appraisal of the evidence on record, vide judgment and order dated 21.11.2002 and 25.11.2002 respectively sentenced him to undergo rigorous imprisonment of four years and to pay a fine of Rs.10,000/-.

In default of payment of fine, further rigorous imprisonment for three months was awarded.

During course of arguments, learned counsel for the appellant has restricted his prayer only to the quantum of sentence. It has been contended by learned counsel for the appellant that recovery pertains to the year 2001 and the appellant has undergone the agony of a protracted trial and thereafter his appeal remained pending and all this exercise took about fourteen years. It was urged that the appellant was just 22 years old when recovery was effected and has remained in custody for three years and one month. He has further submitted that he is the only bread earner of his family. He further submits that the appellant is the first offender. He prayed for a lenient view in the matter of sentence.

The learned State counsel had urged that considering the offence, no leniency should be shown.

Undisputedly, the recovery pertains to the year 2001. The appellant has suffered agony of trial. He has a family to maintain. Custody certificate shows that he is not involved in any other case.

For the reasons above, the conviction of the appellant is maintained. However, keeping the circumstances into view, the sentence awarded to the

appellant is reduced to the period already undergone by him. Sentence of fine is maintained. The appellant shall deposit the fine amount within two months from today. In case the fine is not deposited within the stipulated period, the appellant shall surrender before the CJM, Hisar to undergo the default sentence prescribed.

With the above modification, the instant appeal stands disposed of.

A copy of this order be sent to the CJM, Hisar for information and compliance.

December 09, 2015
Jiten

(ANITA CHAUDHRY)
JUDGE