

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRR-2931 of 2015 (O&M)

Date of Decision: November 27, 2015

Manjinder Kaur

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. Munish Raj, Advocate
for the petitioner.

Mr.Shilesh Gupta, Addl.A.G.,Punjab

Rajan Gupta, J (Oral)

In the present petition, petitioner has impugned the order whereby she has been convicted under Section 25 of the N.D.P.S.Act as she was owner of the vehicle from which 15 Kgs of poppy husk was recovered. A challenge has also been posed to the order passed by the trial court confiscating the vehicle in question.

Learned State counsel at the outset submits that the order is appealable as the revisional jurisdiction has been wrongly invoked. Besides, petitioner has already undergone the sentence imposed upon her.

I have heard learned counsel for the parties.

On 3.8.2012, a motorcycle was intercepted by the police in district Sangrur. Driver identified as Varinder Singh was arrested on the spot. 15 Kgs of poppy husk was recovered. On receiving report from the FSL, challan was presented before the competent court. Motorcycle was taken in possession. During the trial, prosecution examined four witnesses

in support of its case. Statement of the accused was recorded under Section 313 Cr.P.C. She, however, pleaded false implication. After considering the evidence, petitioner was convicted for commission of offence under Section 25 of the NDPS Act and sentenced to undergo 22 days rigorous imprisonment. Admittedly, petitioner has already undergone the incarceration.

Under the circumstances, there is no ground to interfere in the revisional jurisdiction.

Dismissed.

(Rajan Gupta)
Judge

November 27, 2015
BB