

**Criminal Appeal No.S-1049-SB of 2004**

\*\*\*\*\*

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**

**Criminal Appeal No.S-1049-SB of 2004**

**Date of Decision: *August 24, 2016***

**MADAN LAL**

..... APPELLANT

*VERSUS*

**STATE OF HARYANA**

..... RESPONDENT

...

**CORAM:** HON'BLE MR. JUSTICE JASPAL SINGH

...

**PRESENT:** - Mr. Rajender Helwa, Advocate, for the appellant.

Mr. Surinder Singh, Assistant Advocate General, Haryana.

. . .

**Jaspal Singh, J.**

1. The instant appeal has been preferred by Madan Lal challenging judgment of conviction dated April 23, 2004 and order of sentence dated April 24, 2004, passed by the Judge, Special Court, Karnal, in case bearing FIR No.410, dated November 28, 1999, under Sections 15 & 18 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Gharaunda. Vide judgment of conviction dated April 23, 2004 and order of sentence dated April 24, 2004, he was convicted and sentenced as under:-

**Criminal Appeal No.S-1049-SB of 2004**

\*\*\*\*\*

| Name of Accused | U/s                | RI       | Fine (₹ ) | In default (R.I.) |
|-----------------|--------------------|----------|-----------|-------------------|
| Madan Lal       | 18 (c) of NDPS Act | 02 years | 10,000/-  | 04 months         |

Aggrieved from the judgment passed by the trial court appellant filed this appeal.

2. At the very outset of arguments, learned counsel for the appellant submits that he does not press the appeal qua conviction, however, the appellant be heard only qua quantum of sentence. This Court has also scrutinized the impugned judgment as well as the relevant document(s)/evidence and is of the considered view that there is no scope for any interference in impugned judgment (s) as far as the conviction of the appellant under the aforesaid provisions of IPC is concerned. As such, the conviction of the appellant is upheld.

4. As far as quantum of sentence is concerned, there are mitigating circumstances to take a lenient view in the matter of sentence awarded by the trial court. Apart from the fact that appellant is facing the agony of protracted trial for more than 16 years & 7 months after registration of the instant case; is a poor person and is a sole bread winner of the family. Moreover, appellant had already suffered incarceration for a period of 09 months & 10 days, as is evident from custody certificate dated December 08, 2015. Thus, this court is of the considered view that a chance be given to the appellant to reform & improve himself; to become good responsible citizen/person.

5. Taking into consideration the aforesaid aspects of the case, though, conviction of the appellant is upheld but the sentence imposed upon him by the trial court is reduced to the period already undergone by him, with no change in fine clause.

**Criminal Appeal No.S-1049-SB of 2004**

\*\*\*\*\*

ANKUR GOYAL  
2016.08.29 11:54  
I attest to the accuracy and  
authenticity of this document

[3]

6. With the above modification in sentence, appeal stands dismissed.

**August 24, 2016**  
avin/ankur

**(Jaspal Singh)**  
**Judge**

**Whether speaking/reasoned**

**Yes/No**

**Whether reportable**

**Yes/No**