

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRA-S-1232-SB of 2004 (O&M)

Date of decision: 17.02.2016

Seema Rani

.....Appellant

versus

State of Punjab

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.G.S.Sandhu, Advocate for the appellant
Mr.Ashish Sanghi, DAG Punjab

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Appellant Seema Rani has challenged the judgment of conviction and order of sentence dated 12.5.2004, passed by the learned Judge Special Court, Patiala, vide which she was convicted for the offence punishable under section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act') and sentenced to undergo Rigorous Imprisonment for six months and to pay a fine of Rs.1000/- and in default of payment of fine to undergo further Rigorous Imprisonment for one month.

Brief facts are that on 4.5.2002, a police party headed by ASI Bhagwan Dass police Station Ghagga was on patrol duty. The police party was going from village Dedhna towards village Nagri. Independent witness Nirmal Singh was joined in the police party.

When the police party proceeded further and reached near Canal Rest House then under the shadow of Babool tree, the appellant was found sitting on a bag. From the said bag 20 kgs. of poppy husk was recovered. Two samples of 250 grams each were prepared and the accused was accordingly arrested.

In support of its case, the prosecution examined PW1 Labh Singh HC, PW2 C. Swantanterpal Singh, PW3 HC Satnam Singh, PW4 ASI Bhagwan Dass and PW5 SI Tejinder Singh.

When examined under Section 313 Cr.P.C. the accused pleaded innocence. She claimed that she was picked up from her residence and a false case has been planted upon her. Accused did not lead any evidence in defence.

I have heard learned counsel for the parties and have also carefully gone through the file.

After hearing the learned Addl. PP for the State, learned defence counsel and going through the file, the learned Judge Special Court, Patiala convicted and sentenced the accused as aforesaid.

Learned counsel for the appellant has argued that in this case, special reports were not sent from the spot. However, it comes out that in this case Ruqa was sent from the police station to the SHO which amounts to special report. It is further contended that seal in this case was handed over to independent witness and he has not been examined. Mere non-examination of independent witness is no ground to disbelieve the prosecution story. It is also contended that there is nothing on file to show that the CFSL form was filled at the spot. However, the fact remains that the CFSL form was filled in and

the report of chemical examiner (Ex.PJ) is on file, which shows that duly sealed sample was received by the laboratory with the seals intact. In this case, HC Labh Singh, who was member of the police party, appeared to support the statement of ASI Bhagwan Dass (PW4) investigating officer. Both of them have proved the recovery of contraband from the accused. SI Tejinder Singh, who was then posted at Police station Ghagga, appeared to show that the case property and the accused was produced before him and that he had verified the factum of recovery.

In this case the prosecution case was corroborated on all the material particulars. Therefore, the lower Court has rightly held that the prosecution case is proved beyond all reasonable doubts. Therefore, there is no ground to interfere in impugned judgment.

Keeping in view the fact that the lower court has already taken a lenient view and the sentence is only Rigorous Imprisonment for six months only, there is no scope for further reduction in the sentence. The appeal is accordingly dismissed. The accused be arrested and commit to jail to undergo remaining part of sentence.

17.02.2016
gk

(Kuldip Singh)
Judge