

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

CRA-S No.1253-SB of 2004
Date of decision: 24.10.2016

Inderjit Singh

.... Appellant

versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Ms. Sukhpreet Grewal, Advocate
for the appellant.

Mr. Ashish Sanghi, DAG, Punjab.

Ajay Tewari, J.(Oral)

This appeal has been filed against the order of conviction of the appellant under Section 18 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (hereinafter referred as 'the Act'). The appellant has been sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of ₹10,000/- and in default of payment of fine, he would further undergo RI for a period of two months.

Brief facts of the case are that Inspector Amarjit Singh alongwith Gurmukh Singh Saini, ETO, Moga, Sanjay Kumar, Excise Inspector, Moga and other police officials was investigating the case under Section 61 of Punjab Excise Act against the appellant – Inderjit Singh s/o Gurcharan Singh, Dalip Singh s/o Balbir Singh and Sandeep Kumar s/o Tarlok Chand. During investigation on personal search of accused - Inderjit Singh, opium weighing 110 grams wrapped in polythene paper was

recovered from left pocket of his trousers out of which sample of 10 grams was drawn and its parcel was prepared. Remaining 100 grams opium was put into iron box and its parcel was prepared. Both parcels were sealed by Inspector with his seal of description 'AS'. Both the parcels and sample seal were taken into possession vide recovery memo. A ruqa was prepared and sent to police station for registration of case. Rough site plan of place of recovery was also prepared and accused/appellant was arrested on the spot. The investigations were completed and the final report under Section 173 Cr.P.C. was prepared and submitted in the Court. Prima facie case under Section 18 of the Act was made out against the accused and accordingly charge was framed against the accused to which he did not plead guilty and claimed trial.

During the course of trial, prosecution examined four witnesses, who supported the prosecution case. In defence evidence, the accused denied all the incriminating material produced by them and pleaded innocent. He further pleaded that he had been falsely implicated in this case.

The trial court after appreciating the evidence on record, found the accused guilty for an offence punishable under Section 18 of the Act and sentenced to undergo rigorous imprisonment and fine, as mentioned above and that is why, he has come up before this Court by way of present appeal.

After arguing for sometime, learned counsel for the appellant submits that he would not press this appeal on merits. She further submits that the appellant would be satisfied if a lenient view is taken with regard to

quantum of sentence as the appellant is facing these criminal proceedings for the past more than 15 years . She further submits that antecedents of the appellant are clear.

Learned State counsel has placed on record the custody certificate of the appellant in Court, which is taken on record, according to which, antecedents of the appellant are corroborated. The custody certificate also shows that the appellant has undergone imprisonment of 06 months out of total substantive sentence of three years. He further submits he has no objection if the sentence is reduced.

I have heard learned counsel for the parties and perused the case file with their assistance.

Even while dismissing the appeal of the appellant against conviction, keeping in view the facts and circumstances of the case, the sentence of the appellant under Section 18 of the Act stands reduced to eight months. The appellant is directed to surrender before the Jail Authorities, Ferozepur to serve the remaining period of sentence.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

October 24, 2016
sonia

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No