

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRA-S-1254-SB of 2004 (O&M)

Date of decision: 03.02.2016

Shammi Kapoor

.....Applicant

versus

State of Punjab

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Veneet Sharma, Advocate for the appellant
Mr.A.P.S.Gill, AAG 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)

This is an appeal against the judgment of conviction and order of sentence dated 20.5.2004, passed by the learned Judge, Special Court, Amritsar, vide which, the appellant-accused was convicted for commission of offence punishable under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act') and sentenced to Rigorous Imprisonment for nine months and to pay a fine of Rs.2000/-. In default thereof, further undergo Rigorous Imprisonment for one month for allegedly, keeping in possession 20 grams of smack.

At the time of arguments, learned counsel for the appellant does not press the appeal on merits and prays that accused should be sentenced to the period already undergone by him.

The perusal of file shows that the accused remained in custody during trial approximately for little less than one month. After conviction, he remained in custody for little less than two months. Therefore, his period of custody is more than two and half months. Keeping in view the fact that the recovery is of 20 grams smack and appears to have been kept by the appellant for his personal consumption, the sentence of nine months is reduced to the period already spent by the appellant in jail. Remaining part of the sentence is maintained.

With this modification, the appeal is dismissed.

03.02.2016*gk***(Kuldip Singh)
Judge**