

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

CRA-S-No.1554-SB OF 2004
DATE OF DECISION : 24th AUGUST, 2016

Satnam Singh & another

.... Appellants

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : None for the appellants.

Ms. Rimplejeet Kaur, Assistant Advocate General, Punjab.

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A. B. CHAUDHARI, J. (ORAL)

Being aggrieved by the judgment and order dated 04.08.2004 passed by Judge, Special Court, Sangrur in Sessions Case No.127 of 30.11.2002 by which the two appellants were convicted for offence under Section 15 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (in short, the NDPS Act) and were sentenced to undergo rigorous imprisonment for a period of four months each and were ordered to pay fine in the sum of ₹2,000/- each, the present appeal was filed by them in this Court.

When the appeal was listed for hearing on 23.09.2015 none remain present for the appellants and therefore, this court had made an order that the court would proceed to decide the appeal itself if nobody appeared on the next date. Thereafter also there is no appearance in this

case on behalf of the appellants. In that view of the matter, I have taken up this appeal for final disposal.

The case of the prosecution is that the appellants were held along with 7.5/8 Kgs of poppy husk when they were arrested on 21.08.2002. They were sent on trial and the trial Judge ultimately convicted them. Insofar as finding on conviction recorded by the learned trial Judge, is concerned, I have gone through the same. The trial Judge relied on the evidence of PW-5-Inspector Sat Pal Singh whose evidence was corroborated by the other evidence namely seizure of the case property. Head Constable Pritpal Singh PW-1 deposed about the dispatch of property for scientific examination to the Chemical Examiner. The trial Court found that the cross-examination of PW-4 Head Constable Ram Chand, who had taken the samples to the office of Chemical Examiner, did not reveal any favourable evidence for the accused and as such evidence tendered by the prosecution was liable to be believed. I concur with the finding and reasons given by the trial Judge for recording conviction of both the appellants and hence I confirm the conviction.

The next aspect is about the award of sentence to the appellants by the trial Court. The trial Court awarded sentence of rigorous imprisonment for a period of four months each and fine of ₹2,000/- each. The offence took place in the year 2002. The appeal is pending in this Court since after their conviction, this Court had suspended their sentence. The appellant No.1 and 2 have undergone sentence of 1 month 24 days and 1 month 27 days respectively. In my opinion, it would be harsh to push them again in the jail, particularly when

the sentence awarded to them is four months each. I am, therefore, inclined to reduce the sentence awarded to the appellants. In that view of the matter, I make the following order:

ORDER

- (i) CRA-S-No.1554-SB OF 2004 is partly allowed.
- (ii) The judgment and order of conviction of the appellants under Section 15 of the NDPS Act is confirmed.
- (iii) The order awarding sentence of rigorous imprisonment for a period of four months each is modified and the appellants are sentenced to undergo rigorous imprisonment for the period they have already undergone.
- (iv) However, the sentence of fine shall remain intact for both appellants.

24th AUGUST, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No.</i>