

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

CRA-S No.1971-SB of 2004
Date of decision: 24.10.2016

Ram Shree

.... Appellant

versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Angel Sharma, Advocate
for the appellant.

Mr. Deepak Grewal, DAG, Haryana.

Ajay Tewari, J.(Oral)

This appeal has been filed against the judgment and order of conviction of the appellant under Section 15 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 ₹5,000/- and in default of payment of fine, she would further undergo RI for a period of six months.

Brief facts of the case are that on 30.11.2002, a police party was partoling and going from Chandimandir towards Nada Sahib in a govt. jeep bearing registration No.HR-03B-4400. When the police party was present at Bus Stand, Nada Sahib, a secret information was received that a lady used to come in bus from Ramgarh side for selling away poppy straw in the adjoining colonies of Nada Sahib and today also, she would come for the same. On receiving the secret information, SI/SHO alongwith other

police officials conducted naka at the Bus Stand, Nada Sahib. Meanwhile, a bus from Ramgarh came and a lady along with three children came out from the bus along with plastic bag on her head. On suspicion, she was interrogated, who disclosed her name Ram Siri w/o Nawab Singh resident of village Soi, Distt. Badayu (UP) now residing at village Dappar, District Patiala. The search of the plastic bag of the appellant was conducted before Magistrate, which was found carrying poppy straw, which on weighment was found to be 30 Kilograms 50 grams. A ruqa was prepared and sent to police station for registration of case. On completion of usual formalities, final report under Section 173 Cr.P.C. was prepared and submitted in the Court. Prima facie case under Section 15 of the Act was made out against the accused and accordingly charge was framed against the accused to which she did not plead guilty and claimed trial.

During the course of trial, prosecution examined six witnesses, who supported the prosecution case. In defence evidence, the accused denied all the incriminating material produced by them and pleaded innocent. She further pleaded that she had been falsely implicated in this case but did not adduce any evidence in her defence.

The trial court after appreciating the evidence on record, found the accused guilty for an offence punishable under Section 15 of the Act and sentenced to undergo rigorous imprisonment and fine, as mentioned above and that is why, she 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. He 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 12 years . He further submits that antecedents of the appellant are clear.

Learned State counsel has accepted the factual assertions and 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 15 of the Act stands reduced to eight months. The appellant is directed to surrender before the Jail Authorities, Ambala 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.

October 24, 2016
sonia

(AJAY TEWARI)
JUDGE

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

Yes/No
Yes/No