

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

CRA-S No.2025-SB of 2004
Date of decision: 24.10.2016

Paro

.... Appellant

versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Malkiat Mann, Advocate
for the appellant.

Mr. Ashish Sanghi, DAG, Punjab.

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 one year and to pay a fine of ₹1,000/- and in default of payment of fine, she would further undergo RI for a period of one month.

Brief facts of the case are that on 01.06.2002, ASI Ajit Singh along with other police officials were going from Barnala Khudi Octroi to Khudi road Barnala on private vehicles for partoling. When the police party was just short of 7/8 karams from railway crossing road at about 2.00 pm, a lady carrying plastic bag on her head came from the opposite side. On seeing the police party, she tried to turn towards the railway crossing. On suspicion, she was interrogated, who disclosed her name Paro d/o Chano

Singh r/o back side Municipal Committee, Barnala. After complying with usual formalities of search, the plastic bag containing 5 kgs of poppy husk was recovered from her. 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 five witnesses, who supported the prosecution case. In defence evidence, the accused denied all the incriminating material produced by them and pleaded innocence. 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 14 years. He 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 03 months and 25 days out of total substantive sentence of one year.

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 that already undergone by the appellant.

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

October 24, 2016
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(AJAY TEWARI)
JUDGE

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

Yes/No
Yes/No