

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

CRA-S-809-SB-2004

Date of decision-16.12.2016

Malkit Singh

...Appellant

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Om Pal Sharma Advocate,
for the appellant.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

JITENDRA CHAUHAN, J. (Oral)

The present appeal is directed against the judgment and order dated 16.03.2004 passed by Judge Special Court, Ludhiana vide which the appellant was convicted under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'NDPS Act') and sentenced to undergo rigorous imprisonment for one year with fine of Rs.10,000/- with default stipulation.

The appellant has been convicted on the allegations that he was found in conscious possession of 35 kilo grams of poppy husk.

At the outset, learned counsel for the appellant states that he does not challenge the judgment of conviction and presses only for reduction of sentence. It is further submitted that the appellant has been facing agony of criminal proceedings since the year 2002. He is the only bread earner of his family and he is not involved in any other case. Out of the total sentence

of one year he has already undergone actual sentence of two months and 23 days.

Though no challenge has been laid to the judgment of conviction, still this Court has scanned the entire evidence and finds that the prosecution has successfully proved its case against the accused. There is no lacunae in the prosecution evidence. The chain of link evidence is complete. The case of the prosecution has been proved by PW-4/ASI Teja Singh which is corroborated by the testimony of PW-3 HC Piara Singh. The case property remained intact throughout. There is no discrepancy in the statements of the witnesses. Consequently the judgment of conviction is upheld.

Now reverting to the quantum of sentence, taken into consideration the mitigating circumstances that the appellant has been facing the agony of criminal proceedings for the last 14 years; he is sole bread earner of his family, he is not involved in any other case and he has already undergone actual sentence of 02 months and 23 days out of substantive sentence of one year, this Court feels that ends of justice will be squarely met in case the sentence of the accused is reduced to the period already undergone.

Accordingly, the prayer made with regard to quantum of sentence of the appellant is accepted. The sentence awarded to the appellant is ordered to be reduced from one year to the period already undergone by him subject to payment of ₹25,000/- towards costs of litigation within a period of three months from today. It is made clear that if the amount is not paid within the stipulated period, the present appeal shall be deemed to be

dismissed without any notice.

Ordered accordingly.

(JITENDRA CHAUHAN)
JUDGE

December 16, 2016

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No