

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

**CRM No.1948 of 2016 in/and
CRA-S-2684-SB-2015**

Date of Decision: February 04, 2016

Salinder

.... Applicant- Appellant

vs.

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Ms. Amandip Kaur, Advocate for the appellant.

Mr. Ashish Sanghi, DAG, 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)

CRM-1948-2016

Custody certificate of the applicant-appellant has been filed in the court today and the same is taken on record.

Learned counsel for the applicant-appellant contends that she does not challenge the order of conviction and presses only on the reduction of sentence.

Therefore, in place of disposing of the application filed under Section 389 Cr.P.C. for suspension of sentence, the main appeal is order to listed for hearing today and is taken on board.

CRA-S-2684-SB-2015

Heard.

The allegations against the appellant are that 13 Kg. of poppy husk was recovered from him. For which, he was convicted for the offence punishable under Section 15 of the Narcotic Drugs and

Psychotropic Substances Act, 1985 and sentenced to undergo rigorous imprisonment for 5 years and to pay a fine of ₹10,000/-, in default thereof to further undergo rigorous imprisonment for three months by the learned Judge, Special Court (Adhoc), Fast Track Court, Hoshiarpur, vide judgment of conviction and order of sentence dated 27.03.2015.

A perusal of the custody certificate shows that the appellant has already undergone actual sentence of 1 year 25 days as on 02.02.2016.

Keeping in view the period already undergone by the appellant and the fact that he is only 19 years old as per the judgment of lower court and also that recovery is only 13Kg. of poppy husk, the appellant is sentenced to the period already undergone by him in the jail.

The appeal is, accordingly, partly allowed.

The appellant be released, if not required in any other case.

February 04, 2016
sarita

(KULDIP SINGH)
JUDGE