

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-4438-SB-2016 (O&M)
DECIDED ON: December 19, 2016

INDERPAL SINGH

.....APPELLANT..

VERSUS

STATE OF PUNJAB

....RESPONDENT..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. S.S. Rang, Advocate for the appellant.

Mr. J.S. Sekhon, AAG, Punjab.

JASPAL SINGH, J (ORAL)

Challenge in this appeal is to the judgment of conviction and order of sentence dated 18.11.2016 passed by Special Court, SAS Nagar Mohali whereby appellant has been convicted under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "Act" only) and sentenced to undergo rigorous imprisonment for a period of 6 months and to pay a fine of Rs.5000/- and in default to further undergo rigorous imprisonment for a period of one month.

2. Vide order dated 12.12.2016, when the instant appeal was listed for first time, notice of motion was issued to the respondent returnable for 19.12.2016 for final disposal.

3. At the very outset of the arguments, learned counsel for the appellant submits that he does not want to challenge the conviction of the appellant awarded by Judge, Special Court, SAS Nagar Mohali vide impugned

judgment dated 18.11.2016 but has submitted that a lenient view be taken in the matter of sentence because recovery of contraband is a small one.

4. This Court has also gone through the impugned judgment of conviction as well as order of sentence but does not find any scope for interference so far as the conviction of the appellant under Section 21 of the Act is concerned. Accordingly, conviction of the appellant is affirmed/upheld.

5. As far as the quantum of sentence imposed upon the appellant is concerned, this Court finds some mitigating circumstances. The appellant is the first offender, aged about 30 years. He is unmarried and looking after his old aged parents. He belongs to the poor strata of society and is only bread winner in the family. Thus, this Court is of the considered view that a chance be given to the appellant to improve. Otherwise also, keeping in view the quantity of contraband alleged to have been recovered from the appellant, the sentence imposed by the Judge Special Court to the extent of rigorous imprisonment for 6 years is on higher side and an exorbitant one.

6. This Court is, thus, of the considered view that ends of justice would meet, in case, sentence of the appellant is reduced to rigorous imprisonment for 3 months from rigorous imprisonment for 6 months but with no change in the fine clause.

7. In the light of what has been discussed above, the appeal is dismissed with modification as observed above.

December 19, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No