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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.A. 525/2015

STATE (GOVT OF NCT OF DELHI) Appellant

Through: Ms.Kusum Dhalla, APP for the State

versus

BALVIR @ VIR & ANR Respondents

Through: Advocate (Appearance not given)

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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05.04.2016

1. This appeal has been preferred by the State seeking enhancement of the sentence awarded to the respondents vide order dated 21.01.2015 of the Learned Trial Court.
2. The respondents have been convicted under Section 20/61/85 NDPS Act.
3. In the appeal it has been mentioned that the appellant has been sentenced for a period of 3 ½ months only and they should have been sentenced for a period of ten years which is the minimum sentence. Quantity of Charas i.e. 450 gms. is not a commercial quantity, hence, it is not a case for awarding minimum sentence of ten years.
4. In the order of sentence, Learned ASJ has noted that the convicts have remained in custody for three years and has sentenced them for the period already undergone in custody and the fine has already been paid.

5. In view of the nature of the quantity recovered from the respondents, I do not find it to be a case for enhancement of sentence.
6. Appeal is dismissed accordingly.

PRATIBHA RANI, J.

APRIL 05, 2016
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