

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

**CRA-S-1472-SB-2004**

**Date of decision-17.02.2017**

**Salender**

**...Appellant**

**Vs.**

**State of Haryana**

**...Respondent**

**CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN**

Present: Mr. R.S.Mamli, Advocate,  
for the appellant.

Mr. Neeraj Poswal, AAG, Haryana.

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**JITENDRA CHAUHAN, J. (Oral)**

The present appeal is directed against the judgment and order dated 09.07.2004/13.07.2004 passed by Additional Sessions Judge, Fatehabad vide which the appellant was convicted under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'NDPS Act') and sentenced to undergo rigorous imprisonment for three years 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 02 kilo grams of opium.

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 2000. He is the only bread earner of his family and he is not involved in any other case. Out of the total sentence

of three years he has already undergone actual sentence of 01 year, 03 months and 22 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 are no lacunae in the prosecution evidence. The chain of link evidence is complete. The case of the prosecution has been proved by PW-4/Ami Chand Saini, Tehsildar which is further corroborated by the testimony of PW-5 SI Jainarain. The case property remained intact throughout. There are no discrepancies 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 16 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 01 year, 03 months and 22 days out of substantive sentence of three years, 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 three years 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

February 17, 2017  
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|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable :        | Yes | No |