

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

**CRA-S No.1076-SB of 2017 (O&M)
Date of Decision: 18.04.2017**

Sukha Singh

..... Appellant

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Gobind Sharma, Advocate for
Mr. P. S. Brar, Advocate
for the appellant.

Mr. Rajat Bansal, AAG, Punjab
for the respondent-State.

DEEPAK SIBAL J. (ORAL)

For possession of 15 Kgs of Poppy Husk, the appellant was tried under Section 15(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act').

Having been found guilty in the trial, through order dated 14.02.2017, the Special Judge, Moga sentenced the appellant to undergo rigorous imprisonment for a period of 04 months and to pay a fine of Rs.1000/- in default whereof he was directed to further undergo simple imprisonment for 15 days.

The above conviction and sentence has been challenge in the present appeal. However, at the time of hearing of the matter, learned counsel for the appellant has restricted his claim for an appropriate reduction in the quantum of sentence.

Learned counsel for the appellant has submitted that the appellant is a young man of 27 years of age; has never been involved in

any other criminal case; the recovery in the present case was only 15 Kgs of Poppy Husk, which is a non-commercial quantity and he has already undergone 03 months and 24 days out of the total awarded sentence of 04 months.

Learned State counsel does not dispute the above facts.

The appellant, who is a young man of 27 years of age, has committed a mistake in the early years of his life; he is a first time offender; has already undergone 03 months and 24 days out of the total awarded sentence of 04 months and has been convicted for possession of 15 Kgs of Poppy Husk which is a non-commercial quantity.

In view of the above, particularly for the reason that only 06 days of the awarded sentence are left to be undergone by the appellant, in my opinion, the ends of justice would be met if the awarded sentence is suitably modified to the period of sentence already undergone by him.

Accordingly, the awarded sentence of the appellant is reduced to the period already undergone by him.

The appeal stands disposed of.

(DEEPAK SIBAL)
JUDGE

April 18, 2017
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No