

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-111-SB-2017 (O&M)

Date of Decision: 17.05.2017

Chhinder Singh

...Appellant

VERSUS

State of U.T. , Chandigarh

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sanjeev Patiyal, Advocate
for the appellant.

Mr. Anil Kumar Lamdharia, Advocate
for Mr. Yashwant S. Rathore, APP, U.T. Chandigarh.

SURINDER GUPTA, J.(Oral)

This is appeal against judgment dated 30.09.2016 passed by Judge, Special Court, Chandigarh whereby appellant-Chhinder Singh was convicted and sentenced to undergo rigorous imprisonment for three years and to pay fine of ₹25,000/- for offence punishable under Section 22 of the Narcotics Drugs and Psychotropic Substances Act, 1985 (later referred to as 'the NDPS Act')

2. Case of prosecution, in brief, is that appellant was apprehended by ASI Ashok Kumar and his police party on 21.06.2014 and recovery of 50 gms. of heroin was effected from his possession.

3. Learned counsel for the appellant without assailing findings of learned trial Court has confined his submission only for taking a lenient view regarding quantum of sentence submitting that even the trial Court was aware that the appellant is a young boy of the age of about 24 years and is not a previous convict. Recovery of contraband effected from his possession was not of commercial quantity. He further submits that the

appellant has already undergone about one year of imprisonment and the interest of justice shall be fully served if the sentence awarded to him is reduced to the period of imprisonment already undergone by him.

4. While sentencing the appellant, learned trial Court has observed in para 3 of the judgment as follows:-

“3. Convict is a youthful offender. This is his first offence. The court is convinced that he has clean antecedents with no criminal background. Thus, keeping a stock of the above said facts as well as the young age and the quantity recovered, this Court is of the opinion that some leniency in sentence can be shown to him.....”

5. After observing the above fact, learned trial Court awarded the sentence of rigorous imprisonment for three years, which I am of the view that it is on higher side and the interest of justice shall be fully served if the same, keeping in view age and antecedents of the appellant, is reduced to the period of imprisonment for one year.

6. As a sequel of my above discussion, this appeal is partly accepted. Conviction of appellant as recorded by the trial Court for offence punishable under Section 22 of the NPDS Act is upheld and substantive sentence awarded to the appellant is reduced from rigorous imprisonment for three years to rigorous imprisonment for one year. However, sentence of fine and the imprisonment awarded in lieu of non-payment of fine shall remain intact.

A copy of this order be sent to Superintendent, Model Jail, Chandigarh.

May 17, 2017

jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No