

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

CRA-S-1718-SB of 2017 (O&M)

Date of decision: 02.06.2017

Mohd. Liaquat @ Liaqu

...Appellant

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Yash Pal Malik, Advocate for the appellant.

Mr. Luvinder Sofat, AAG, Punjab.
for the State.

Jitendra Chauhan, J.

The present appeal is directed against the judgment of conviction and order of sentence dated 23.01.2017, passed by Judge, Special Court, Sangrur, vide which the accused/appellant was convicted for the offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter called as 'the Act') and sentenced him to undergo rigorous imprisonment for a period of one year, and to pay a fine of ₹5000/- or in default of payment thereof, to further undergo RI for two months.

The prosecution case against the appellant is that on 05.09.2013, the appellant was apprehended for having been found in

possession of 70 strips each containing 10 capsules of Parvon Spas, without any permit or licence.

On commitment, the accused was charged under Section 22 of the Act, to which the accused/appellant pleaded not guilty and claimed trial.

In support of the case of prosecution, it examined PW-1 Constable Hardip Singh; PW-2 ASI Mukhtiar Singh; PW-3 HC Harbaksh Singh; PW-4 ASI Jaspal Singh and PW-5 ASI Kirpal Singh.

The statement of the accused under Section 313 Cr.P.C., was recorded. He pleaded innocence and alleged false implication. In defence, he did not lead any evidence in his defence.

After hearing the Addl. Public Prosecutor for the State, counsel for the accused, and after going through the evidence, on record, the trial Court convicted and sentenced the accused/appellant, as stated hereinbefore.

Feeling aggrieved against the judgment of conviction and the order of sentence passed by the trial Court, the instant appeal was filed by the accused/appellant which was admitted on 01.05.2017. The sentence of accused/appellant was suspended on 26.05.2017.

The learned counsel for the appellant does not press the appeal on its merit and has submitted that the present appeal has been filed through State Legal Services Committee. The sentence of

the appellant was suspended vide order dated 26.05.2017. However, the appellant is still stated to be in custody as he does not have resources being a labourer. He further submits that the appellant is a poor person and he is the sole bread winner of his family and has suffered a protracted trial as the FIR was registered on 05.09.2013. Thus, the learned counsel prays for a lenient view on the quantum of sentence imposed by the trial Court as the family of the appellant is at the verge of starvation.

On the other hand, the learned State counsel opposed the prayer of appellant/accused and supported the judgment of conviction and order of sentence passed by the trial Court.

I have heard the arguments of the learned counsel for the parties and have carefully gone through the record of the case.

The prosecution case is fully proved by the statements of the prosecution. There is no flaw in the unassailed judgment of conviction. There is no merit in this appeal which is dismissed on merits.

However, considering the fact that the appellant is not a previous convict; he has already suffered agony of protracted trial as the FIR pertains to the year 2013 and the fact being a labourer and sole bread winner of the family being at the verge of starvation, the Court is inclined to take a lenient view in the matter of sentence. Accordingly, the sentence awarded to the appellant is ordered to be

reduced to the period already undergone.

Ordered accordingly.

The appeal is partly allowed in the manner indicated above.

02.06.2017
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No