

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-807-SB of 2017 (O&M)

Date of Decision: 25.04.2017

Jagdish @ Babbu

...Appellant

VERSUS

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. A.K. Khunger, Advocate
for the appellant.

Mr. Jashanpreet Singh, AAG, Punjab.

SURINDER GUPTA, J.

This is appeal against judgment dated 08.08.2016 passed by Judge, Special Court, Ferozepur, whereby the appellant was convicted for offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') and sentenced to undergo rigorous imprisonment for one year and six months and to pay fine of ₹15,000/-; in default of payment of fine, he shall further undergo rigorous imprisonment for one month.

2. As per case of prosecution, the appellant was arrested by ASI Mehal Singh of Police Station Cantt. Ferozepur and recovery of 40 strips of Nindra 0.5 tablets each containing 10 tablets and 10 strips of Rolin 0.5 tablets each containing 10 tablets, carried by him in a polythene bag was effected.

3. Learned counsel for the appellant has argued that the appellant is a young boy and is not a previous convict. The contraband recovered from the appellant was also not of commercial quantity. He has undergone about 11 months and 18 days of imprisonment as on 24.04.2017. He is the only bread-earner of the family, as such, the sentence of imprisonment awarded to him

may be reduced to the period of sentence already undergone by him. He has further submitted that being a poor person he is also not in a position to pay fine imposed upon him, which may also be reduced.

4. Learned State counsel has submitted that the sentence awarded to the appellant by trial Court is already on lower side. By keeping the contraband articles in his possession, the appellant has committed serious offence, which calls for no lenient view to be taken.

5. It is not disputed that the appellant is not a previous convict and is a young boy. Perusal of custody certificate dated 24.04.2017, shows that the appellant has undergone 11 months and 18 days of imprisonment.

6. The purpose of awarding sentence is not only to punish but also to reform the criminal. Keeping in view the fact that the appellant is not a previous convict and is a young boy, I am of the opinion that interest of justice shall be fully served if the sentence awarded to the appellant is reduced from rigorous imprisonment for 18 months and fine of ₹15,000/- to rigorous imprisonment for one year and fine of ₹5000/-.

7. As a sequel of my above discussion, the instant appeal is partly allowed. The conviction of appellant under Section 22 NDPS Act is maintained. However, the sentence awarded to him is reduced from rigorous imprisonment for 18 months to rigorous imprisonment for 1 year and sentence of fine from ₹15,000/- to ₹5000/-. In default of payment of fine, the appellant shall further undergo rigorous imprisonment for one month.

April 25, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No