

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

**Criminal Appeal No.S-945-SB of 2017 (O&M)
Date of Decision: April 26, 2017**

Mohammad Shebaz

.....APPELLANT(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. L.S. Sekhon, Advocate
for the appellant (s).

Mr. Jashanpreet Singh, AAG, Punjab.

SURINDER GUPTA, J.

Custody certificate of the appellant filed today in Court, is taken on record.

Appellant Mohammad Shebaz was convicted for the offence punishable under Section 22 (b) of Narcotic Drugs and Psychotropic Substances Act, 1985 and sentenced to undergo rigorous imprisonment for one year and to pay a fine of ₹10,000/- and in default of payment of fine, to further undergo rigorous imprisonment for three months.

As per case of the prosecution, appellant was apprehended on 22.10.2013 in the area of City Dhuri and 380 capsules of Parvon Spas and 432 capsules of Spasmo Proxivon were recovered from his possession.

Learned counsel for the appellant has not challenged the conviction of appellant on merits as recorded by the trial Court but has

requested for taking lenient view on the quantum of sentence stating that petitioner is a first offender. He was a young boy of 25 years of age without any adverse antecedents. He is unmarried and has to look after his old aged parents.

Learned State counsel submits that the petitioner was apprehended with capsules having salt *Dextropropoxyfen Hydrochloride*, a contraband and the trial Court while awarding sentence, has already taken a lenient view on the quantum of sentence, which call for no further reduction.

Admittedly, appellant is young boy of 25 years of age and is not a previous convict. Keeping in view the above fact, I find reasons to review the substantive sentence awarded to the appellant by reducing the substantive sentence awarded to him.

As a sequel of my above discussion, conviction of appellant for the offence punishable under Section 22(b) of NDPS Act is maintained. However, substantive sentence of appellant is reduced from rigorous imprisonment for one year to rigorous imprisonment for nine months, maintaining the amount of fine imposed by the trial Court.

With the above modification, the appeal stands disposed of.

Copy of this order be sent to Superintendent, District Jail, Sangrur for necessary action.

April 26, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No