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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

DECIDED ON : MAY 12, 2017

+ **CRL.A. 821/2014**

STATE

..... Appellant

Through : Ms.Meenakshi Dahiya, APP.

versus

MOHD ZAHID @ LANGDA

..... Respondent

Through : Mr.Ravi Tikania, Advocate.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (ORAL)

1. Present appeal has been filed by the State to challenge the order dated 09.04.2014 of learned Additional Sessions Judge (Central) in Sessions Case No. 40/13 arising out of FIR No. 88/13 at Police Station Chandni Mahal whereby the respondent was awarded sentence for the period already undergone by him in the case. The appeal is contested by the respondent.

2. I have heard the learned counsel for the parties and have examined the file. By an order dated 9.4.2014, the respondent was convicted under Section 21(b) of NDPS Act being in possession of 49 gms of heroine. The respondent has not challenged the conviction.

3. The learned APP for the State urged that the offence committed by the respondent is serious and grave in nature. He was found in possession of intermediate quantity of heroine and the offence is punishable upto Rigorous Imprisonment for ten years.

4. Sentence order dated 9.4.2014 reveals that the respondent was aged around 45 years and had remained in custody from 8.6.2013 to 8.1.2014. He is not a previous convict. It further records that at the time of award of the sentence, the respondent's wife and son were present in the court. Shariq, respondent's son, submitted that he was assisting his father in his work of packing. Respondent's wife informed that earlier her husband had fallen in bad company but now he has improved a lot and that he be given a change to reform. Similar prayer was made by the respondent stating that earlier he was in bad company and had started consuming it. After he was sent to jail, he stopped consuming it. The respondent has four children. Taking into consideration all the mitigating circumstances and to enable the respondent to reform, lenient view was taken and the respondent was awarded punishment for the period already undergone by him in this case. Apparently, the discretion in awarding sentence has been exercised by the learned Trial Court after considering all the relevant mitigating and extenuating circumstances. The respondent is not a king-pin. Nothing incriminating material was recovered after his arrest at his residence or place of work.

5. It is trite law that object of punishment to an accused is not merely to punish the wrong doer but also to reform him and not to commit such offence in future.

6. In the instant case, the Trial Court after considering the facts and circumstances was of the view that there was possibility of the respondent to reform. He has been supported by his family in this endeavour.

7. Considering the facts and circumstances of the case, I find no merit in the present appeal. The appeal is dismissed.

8. Copy of the order be sent to the court concerned for information.

MAY 12, 2017
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(S.P.GARG)
JUDGE