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

+ CRL.A. 433/2015

RISHI

..... Appellant

Through: Mr. Amarnath, Amicus Curiae
counsel with Mr. Mohd. Faraz,
DHCLSC Panel Advocate

versus

STATE

..... Respondent

Through: Ms. Minakshi Chaudhary, Addl.
Public Prosecutor for respondent-
State

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

01.06.2017

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In this appeal, challenge is to the impugned judgment of 5th September, 2014 vide which appellant has been sentenced to rigorous imprisonment for four years with fine of ₹50,000/- for the offence under Section 20 (b) (ii) (B) of *The Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the 'NDPS Act')* and for the offence under Section 29 of the aforesaid Act, appellant has been sentenced to rigorous imprisonment of three years with fine of ₹25,000/- with default clause. Both the sentences have been directed to run concurrently.

The facts noted in the impugned judgment need no reproduction for the reason that learned Amicus Curiae counsel for appellant has rightly not contested the impugned judgment on merits, as upon its perusal, I find

no infirmity in it. So far as quantum of sentence is concerned, it is submitted by learned Amicus Curiae counsel that appellant was a teenager at the time of this incident and was a student and has a clean record. It is submitted by learned Amicus Curiae counsel for appellant that there is no minimum sentence prescribed for offences under Sections 20 (b) (ii) (B) and 29 of NDPS Act and that as per nominal roll of appellant, he has already undergone sentence of three years. So, it is submitted on behalf of appellant that substantive sentence awarded to appellant be reduced to the period already undergone by him and sentence of fine imposed upon appellant also deserves to be reduced to the minimum, as appellant is a poor person.

Learned Addl. Public Prosecutor for respondent-State submits that though no minimum sentence is provided for offences in question and as per Nominal Roll of appellant, he is not involved in any other case, but the sentence awarded to appellant is just and proper.

Upon hearing and on perusal of impugned judgment and the nominal roll of appellant, I find that appellant's conduct in jail has been satisfactory and no minimum sentence has been provided for the offences in question and that appellant has already undergone the substantial portion of sentence awarded to him and so, in the facts and circumstances of the instant case, it is deemed appropriate to reduce the substantive sentence awarded to appellant to the period already undergone by him and sentences of fine are also reduced from ₹50,000/- and ₹25,000/- to ₹10,000/- and ₹5,000/- only. The period of sentences in default is also reduced from three months' and forty five days' simple imprisonment to simple imprisonment for ten days' and five days' respectively.

This appeal is accordingly disposed of while modifying the impugned judgment to extent indicated above.

(SUNIL GAUR)
JUDGE

JUNE 01, 2017

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