

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-2290-SB of 2004 (O&M)

Date of Decision: 26.09.2018

Lala Ram

...Appellant

VERSUS

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms.Deepa Jain, Advocate
for Mr. R.S. Mamli, Advocate
for the appellant.

Mr. Deepak Grewal, DAG, Haryana.

SURINDER GUPTA, J. (Oral)

Appellant-Lala Ram was convicted and sentenced to undergo rigorous imprisonment for two years and to pay a fine of ₹10,000/- for offence punishable under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985 for possession of 15 kgs. of poppy-husk.

As per case of prosecution, appellant was apprehended by Sub Inspector Partap Singh of Police Station City Fatehabad on 29.06.2001 and recovery of 15 kgs. of poppy-husk was effected from his possession.

Learned counsel for the appellant has not challenged the conviction of appellant on merit and has confined his submission only for taking a lenient view regarding the quantum of sentence awarded to appellant. He has argued that the appellant is not a previous convict and has not indulged in such type of offence even after his conviction. He is the sole breadwinner of the family and has also to look after his children as his wife has already expired.

Learned State counsel on perusal of custody certificate has argued

that appellant is not a previous convict or was found involved in any case after

his conviction vide judgment dated 09.11.2004 and order of conviction dated 11.11.2004. He has, however, opposed the submissions of learned counsel for the appellant for taking a lenient view regarding the quantum of sentence submitting that sentence awarded to the appellant commensurate with nature of offence.

The appellant was convicted and sentenced vide order dated 11.11.2004. Custody certificate of appellant shows that he has undergone actual sentence of 06 months 20 days. A period of 17 years has elapsed after registration of FIR and 14 years after conviction of the appellant. He is not a previous convict and was never found involved in such cases even after his conviction.

Keeping in view above fact and antecedents of the appellant, I am of the opinion that awarding of sentence to the appellant for the period he has already undergone will serve the ends of justice.

Consequently, this appeal is partly accepted. Conviction of appellant for offence punishable under Section 15 NDPS Act as recorded by the trial Court is upheld. However, the sentence awarded to the appellant is reduced from two years rigorous imprisonment to the period of sentence already undergone by him and sentence of fine is maintained.

Trial Court is directed to proceed further to recover the amount of fine from the appellant, if not already deposited by him.

Intimation regarding reduction of sentence of appellant be sent to Superintendent, Central Jail, Hisar.

September 26, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No