

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-1082-SB of 2005 (O&M)

Date of Decision: 26.09.2018

Manjur Singh

...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-Manjur Singh was convicted and sentenced to undergo rigorous imprisonment for two years and to pay a fine of ₹5000/- for offence punishable under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985 for possession of 04 kgs. of poppy-husk.

Case of prosecution, in brief, is that the appellant was apprehended by SI Mangal Singh of CIA, GRP, Sonapat on 30.11.2004. During course of checking from the bag hanging on the shoulder of appellant 04 kgs. of poppy-husk was recovered 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 an old person of about 80 years of age. He is not a previous convict and was not found involved in any case even after his conviction in the year 2005. He has already undergone

sentence of 2 months and 11 days and keeping in view his old age, the

sentence awarded to him by the trial Court may be reduced to the period of sentence already undergone by him.

Learned State counsel has argued that the appellant as per police verification is an old man of the age of about 65/70 years. On perusal of custody certificate he submits that the appellant is not a previous convict and was not found involved in any case after his conviction in this case but has contested the plea of learned counsel for the appellant for taking a lenient view regarding the quantum of sentence and has argued that the sentence awarded to the appellant commensurate with the offence committed by him.

In view of submission of learned counsel for parties, conviction of the appellant for offence punishable under Section 15 NDPS Act is upheld.

Perusal of judgment passed by the trial Court shows that the appellant was 65 years of age at the time of registration of FIR in the year 2004. This means that he is around 80 years of age at this stage. He is neither a previous convict nor was found involved in any case after his conviction in this case. He has already undergone about 02 months and 11 days of sentence after his conviction.

Keeping in view above facts, antecedents and old age of the appellant, I am of the view that sending him behind bars at this phase of life will not be in the interest of justice. The old age of appellant calls for awarding him sentence even less than the period of three months, as such, the sentence awarded to him is reduced from two years rigorous imprisonment to the period of sentence already undergone by him.

However, the 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.

The appeal stands partly allowed in above terms.

Intimation regarding reduction of sentence of appellant be sent to Superintendent, District Prison, Kurukshetra.

September 26, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***