

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

CRA-S-1242-SB of 2018

DATE OF DECISION :- May 04, 2018

Shishu

...Appellant

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Piyush Sharma, Advocate for the appellant.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

At request of learned counsel for the appellant, the main case is taken up today for final disposal.

Accused Shishu was tried by Judge Special Court, Ferozepur for an offence under Section 22 of the NDPS Act on the allegation that on 28.12.2014, when apprehended by a police party from Police Station City Ferozepur in the area of Truck Union, Police Station City Ferozepur, he was found in possession of 27 strips each containing 10 tablets of Winzox 0.50 (Alprazolam) total 270 tablets and 13 strips each containing 15 tablets of Alpzafresh 0.50 (Alprazolam) total 195 tablets.

That trial ended in his conviction for an offence under Section 22 of the NDPS Act and he was sentenced to undergo rigorous imprisonment for 1½ years and to pay a fine of ₹3,000/- and in default of payment of fine to further undergo rigorous imprisonment for 2 months.

Feeling dissatisfied with such judgment of his conviction and order of sentence, he has approached this Court by way of filing the present appeal which came up for hearing on 26.3.2018, when it was admitted.

I have heard learned counsel for the appellant and learned State counsel besides going through the record.

Learned counsel for the appellant has contended that he does not challenge the judgment on the point of conviction but has submissions to make as regards the sentence part. According to him, the appellant is of young age of 21 years; he is a poor person and a 1st offender; he has already undergone 10 months and 14 days of imprisonment, therefore, a lenient view in the matter be taken.

The custody certificate filed by the State counsel reflects that he has undergone 10 months and 14 days of imprisonment and is not shown to be involved in any other criminal case.

Considering the facts and circumstances of the case and contentions put forward by learned counsel for the appellant for taking lenient view in the matter, I am of the view that ends of justice shall be adequately met if while maintaining the conviction of the appellant his sentence is reduced to one already undergone by him while in custody in this case, whereas the fine part is kept intact. With such modification, the appeal stands disposed of.

Appellant Shishu is stated to be in jail in this case. So he is ordered to be released immediately, on payment of fine if his custody is not required in connection with any other case.

(H.S. MADAAN)
JUDGE

May 04, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No