

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

**Criminal Appeal No.S-163-SB of 2018 (O&M)  
Date of Decision: October 12, 2018**

Satya Narayan

.....APPELLANT(s).

**VERSUS**

State of Punjab

.....RESPONDENT(s).

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Dr. Anand Kumar Bishnoi, Advocate  
for the appellant (s).

Mr. Ramandeep S. Sandhu, Sr. D.A.G. Punjab.

\*\*\*\*\*

**SURINDER GUPTA, J.**

This is appeal against the judgment of conviction and order of sentence both dated 17.11.2017 passed by learned Judge, Special Court, Mansa, convicting the appellant for the offence punishable under Section 18 of Narcotic Drugs and Psychotropic Substances Act, 1985 and sentencing him to undergo rigorous imprisonment for three years and to pay a fine of ₹25,000/- and in default of payment of fine, to further undergo rigorous imprisonment for two months.

The case of the prosecution, in brief, is that appellant was apprehended by the police party headed by ASI Balwinder Singh of Police Station City-1, Mansa and opium weighing 1 kg 910 grams was recovered from his possession.

Learned counsel for the appellant has not challenged the

conviction of the appellant as recorded by the trial Court, on merits and has confined his submission only for taking lenient view regarding quantum of sentence. He has argued that appellant is a poor daily wager. He is the only bread winner of the family and is not a previous convict. The sentence of rigorous imprisonment for three years awarded by the trial Court is on higher side. Appellant has already undergone imprisonment for about one year, as such, period of sentence awarded to him be reduced to the period of imprisonment already undergone by him.

Learned State counsel has argued that contraband recovered from the appellant is quite heavy quantity and sentence awarded to him commensurate with the recovery effected from him, as such, there is no reason to take lenient view regarding the quantum of sentence.

Admittedly, the appellant is not a previous convict. He belongs to District Nimach (Madhya Pradesh). He was 43 years of age at the time of his apprehension in this case. As per custody certificate dated 14.08.2018, he has undergone ten months and one day of imprisonment as on 13.08.2018 and till date, he has undergone imprisonment for about one year.

Keeping in view the age and antecedents of appellant, I am of the opinion that awarding of sentence of rigorous imprisonment for 18 months for the offence committed by the appellant will serve the ends of justice. Consequently, this appeal is partly accepted. The judgment of conviction of appellant for offence punishable under Section 18 NDPS Act passed by the trial Court is upheld, however, the sentence of appellant is reduced from rigorous imprisonment for three years to rigorous

imprisonment for 18 months. The sentence of fine as awarded by the trial Court, is, however maintained.

Intimation about reduction of sentence of the appellant be sent to Superintendent, District Prison, Mansa.

**October 12, 2018**  
*Sachin M.*

**( SURINDER GUPTA )**  
**JUDGE**

|                                          |                      |
|------------------------------------------|----------------------|
| <b><i>Whether speaking/reasoned:</i></b> | <b><i>Yes/No</i></b> |
| <b><i>Whether Reportable:</i></b>        | <b><i>Yes/No</i></b> |