

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-2342-SB of 2018 (O&M)

Date of Decision: 30.08.2018

Shinder Kaur @ Noopa

...Appellant

VERSUS

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ashish Aggarwal, Advocate
for the appellant.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

SURINDER GUPTA, J.

This is appeal against judgment passed by Judge, Special Court, Ferozepur, whereby appellant was convicted for offence punishable under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 and sentenced to undergo rigorous imprisonment for one year and to pay a fine of ₹1000/-.

2. During course of arguments on application seeking suspension of sentence, learned counsel for the appellant has submitted that appeal, which has been admitted for hearing, may be taken up on board and decided on merits. Request of learned counsel for the appellant was allowed and the appeal, which has been admitted for hearing, was taken up on board for arguments.

3. I have heard learned counsel for the appellant, learned State counsel and perused the paper-book with their assistance.

4. Learned counsel for the appellant after arguing for sometime has not challenged the conviction of appellant as recorded by the trial Court and confined his submission only for taking a lenient view regarding the quantum

of sentence. He has argued that appellant is not a previous convict. Recovery of

intoxicant (Alprazolam) from him was not of commercial quantity. Custody certificate dated 29.08.2018, produced by learned State counsel shows that during the period after his arrest on 31.08.2015 till date he is not involved in any other case, which shows that he is living a peaceful life like a law abiding citizen.

5. Learned State counsel has argued that society is facing the menace of drugs-trafficking and perpetrators of such crime are required to be dealt with sternly, as such, appellant is not entitled to a lenient view regarding the quantum of sentence as awarded to him by the trial Court.

6. I agree with learned State counsel that perpetrators of such crime are required to be dealt with sternly but this cannot be a rule in every case. The recovery effected from appellant is of 50 gms. of intoxicating powder. Perusal of custody certificate shows that he is not a previous convict and even after his arrest in this case he was not found involved in any other case of similar nature. An accused, who is not a previous convict and has not been found involved in such crime at any subsequent stage, is required to be dealt with leniently so as to provide him chance to reform himself and become a useful citizen.

7. Keeping in view age, antecedents and nature of offence, I accept submissions of learned counsel for the appellant and reduce the sentence awarded to him for offence punishable under Section 22 of NDPS Act, from rigorous imprisonment for one year to rigorous imprisonment for five months. However, the sentence of fine awarded to him is maintained.

8. The appeal stands disposed of in above terms.

August 30, 2018

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**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No