

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRA-S-2496-SB-2017

Date of decision: 10.09.2018

Tarsem Singh @ Sema

..... Appellant

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. DS Sandhu, Advocate for the appellant.

Mr. Davinder Bir Singh, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

The instant appeal has been preferred by appellant-Tarsem Singh @ Sema, against judgment of conviction and order of sentence dated 06.07.2017 of the learned Judge, Special Court, Kapurthala, whereby he was convicted under Sections 22 and 15 of the NDPS Act and sentenced as under:-

<i>Section</i>	<i>Sentence</i>
Section 22 of the NDPS Act	Rigorous imprisonment for a period of one year and pay a fine of ₹ 10,000/-. In default thereof, further undergo simple imprisonment for a period of two months.
Section 15 of the NDPS Act	Rigorous imprisonment for a period of six months and pay a fine of ₹ 5,000/-. In default thereof, further undergo simple imprisonment for a period of two months.

Both the sentences were ordered to run concurrently.

At the outset, learned counsel for the appellant contends that he does not challenge the impugned judgment qua conviction of the appellant

on merits, but prays for leniency qua quantum of sentence. The appellant is an old man of around 70 years and has already undergone more than 5 months, out of the maximum sentence of one year. No other case is pending against him.

As per custody certificate dated 08.09.2018, filed by learned State counsel, appellant-Tarsem Singh @ Sema, had already undergone a total sentence of 05 months and 06 days, out of the total sentence of 1 year awarded to him.

Heard.

Considering this aspect of the matter, this Court is of the view that leniency is required to be taken in the matter of his sentence.

Resultantly, the impugned judgment of conviction dated 06.07.2017, passed by the trial Court is upheld. The appeal, to this extent, is dismissed. However, considering the custody period of the appellant, order of sentence of even date i.e. 06.07.2017 is modified to the extent that the sentence awarded to the appellant is reduced to the period already undergone. The amount of fine i.e. ₹ 10,000/- and ₹ 5000/- under Sections 22 and 15 of the NDPS Act, shall be converted into cost of proceedings, which shall be paid by the appellant before the trial Court within a period of one month from today, failing which the instant appeal shall automatically stand dismissed.

Accordingly, the instant appeal stands disposed of.

September 10, 2018

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No