

CRA-S-3293-SB-2018 (O&M)

Karamjit Kaur

..... Appellant

State of Punjab

..... Respondent

PRESENT: Mr. Lokesh Vohra, Advocate for the appellant.

Mr. Harpreet Multani, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Custody certificate filed by learned State counsel is taken on record. Office to tag the same at the appropriate place.

The instant appeal has been preferred by appellant-Karamjit Kaur, against judgment of conviction and order of sentence dated 20.04.2018, of the learned Judge, Special Court, Sangrur, whereby she was convicted under Section 21 of the NDPS Act and sentenced as under:-

<i>Section</i>	<i>Sentence</i>
Section 21 of the NDPS Act	Rigorous imprisonment for a period of one and half year and pay a fine of ₹ 7,500/-. In default thereof, further undergo rigorous imprisonment for two months.
Section 21 of the NDPS Act	Rigorous imprisonment for a period of one and half year and pay a fine of ₹ 7,500/-. In default thereof, further undergo rigorous imprisonment for 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.

As per custody certificate dated 20.11.2018, filed by learned State counsel, appellant-Karamjit Kaur, had already undergone a total sentence of 01 year, 02 months and 25 days including remissions, out of the total sentence of one and half year awarded to her.

Heard.

Considering totality of facts and circumstances of the case, this Court is of the view that leniency is required to be taken in the matter of her sentence.

Consequently, the impugned judgment of conviction dated 20.04.2018, 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. 20.04.2018 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. ₹ 15,000/- as well as the default clause, shall remain intact which shall be paid by the appellant within 30 days from today, failing which this order shall stand automatically recalled. Trial Court shall report about the compliance of this order in due course.

Accordingly, the instant appeal stands disposed of.

The appellant be released forthwith. Since, the main appeal has been disposed by reducing the sentence of appellant to the period already undergone, therefore, no separate order is required to be passed in the application for suspension of sentence.

November 20, 2018

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No