

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

**CRA-S-4472-SB of 2017 (O&M)
DATE OF DECISION :- February 16, 2018**

Parvej **Versus** **...Appellant**

State of Haryana **...Respondent**

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

Present:- Mr. Namit Khurana, Advocate for the appellant.

Mr. Neeraj Poswal, AAG, Haryana.

On request of learned counsel for the appellant, the main case is taken up for hearing on Board today itself.

Appellant Parvez faced trial by Additional Sessions Judge, Yamuna Nagar at Jagadhari for offence under Section 21 of the NDPS Act, 1985 on the allegations that on 23.6.2016 at about 5 P.M. in the area of Kalanaur Old Tax Barrier, Police Station Sadar Yamuna Nagar he was apprehended by a police party from Police Station Sadar, Yamuna Nagar and was found in possession of 12.050 grams of smack. The trial ended in his conviction for the said offence vide judgment dated 18.11.2017 and vide order dated 21.11.2017, he was sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.10,000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of two months. He was taken into custody on that very day.

The appellant had filed an appeal before this Court, which was admitted and recovery of fine was stayed.

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

Learned counsel for the appellant states that he does not challenge the impugned judgment on the point of conviction but has got submissions to make with regard to the sentence part. According to him, the accused is a poor person, his family comprising of his wife, two children and mentally disturbed sister is dependent upon him for financial support. His father has already expired. He is in custody for more than three months, as such lenient view in the matter be taken.

A perusal of the custody certificate filed by the State counsel goes to show that the appellant has undergone 3 months and 17 days of the total imprisonment including remission till date. He is not shown to be involved in any other criminal case. Therefore, the sentence awarded to him vide impugned judgment is modified and he is sentenced to imprisonment already undergone by him in this case, whereas the fine part is kept intact. With such modification in the impugned judgment, the appeal stands disposed of.

**(H.S. MADAAN)
JUDGE**

February 16, 2018

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Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No