

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

CRR-1498-2012

Decided on: 12.03.2018

Kamlesh

.... Petitioner

Versus

State of Haryana

..... Respondent

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

Present: Mr. Ram Bilas Gupta, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J (ORAL)

Petitioner-Kamlesh was convicted by Judicial Magistrate 1st Class, Faridabad vide judgment dated 02.09.2011 for an offence under Section 20 of NDPS Act, 1985 and vide order dated 03.09.2011, was sentenced to undergo rigorous imprisonment for six months and to pay a fine of Rs.1,000/-, in default of payment of fine to undergo simple imprisonment for one month on the allegations that on 04.02.2003 at about 2.00 p.m. when apprehended by a police party headed by ASI Rohtash Singh from Police Station NIT, Faridabad with the area of Masjid Chowk NH-III, Faridabad, he was found in possession of 325 gms. ganja.

Feeling aggrieved by the said judgment of his conviction and order of sentence, he had preferred an appeal, which was marked to Additional Sessions Judge, Faridabad, who vide judgment dated 04.05.2012, dismissed the same.

The accused-convict was ordered to be taken into custody. He has preferred a revision petition before this Court. Notice of which was given to the State.

Learned counsel for the petitioner has contended that he does not challenge the judgments passed by the Courts below on the point of conviction, but has got submissions with regard to the sentence part. According to him, the petitioner has already undergone more than one month of the sentence and he is not involved in any other criminal case, as such, leniency be shown to him. No previous conviction was alleged against the petitioner, after being released on bail vide order dated 30.05.2012 by this Court. He is not shown to have indulged in any criminal act. It is stated that he is a poor person having 5 minor children and he is sole bread earner of large family, as such, he be shown leniency.

Learned State counsel, however, opposes the request stating that he does not deserve any leniency.

I am of the considered view that ends of justice would be squarely met if the impugned judgments are modified on the point of sentence and petitioner is sentenced to imprisonment already undergone by him in this case, in place of rigorous imprisonment for six months, whereas maintaining the fine part, which is said to have been paid.

The revision petition is disposed of accordingly.

(H.S. MADAAN)
JUDGE

12.03.2018

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No