

112

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR No.4690 of 2017 (O&M)

Date of Decision: 02.04.2018

Bholi

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Jagjit Gill, Advocate,
for the petitioner.

Mr. Manish Bansal, D.A.G., Haryana.

SUDIP AHLUWALIA, J. (ORAL)

At the outset, it is submitted by Ld. Counsel for the petitioner that he does not seek to challenge the ultimate conviction of his client for the offence under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “the Act”), even though he does have certain arguable points at that account. On the other hand, the prayer is for reduction in the sentence awarded to the petitioner.

2. It has been urged on behalf of the petitioner that she is a woman, and was convicted for having been found in possession of 900 gms. of Poppy Straw which undoubtedly is a “small quantity” considering that

the limit of commercial quantity according to the Act happens to be as high as 50 kgs. It is further submitted that the petitioner was neither involved nor ever convicted in any other matter under the Act prior to her apprehension and conviction in the present case.

3. On the other hand, Ld. State Counsel has submitted that the petitioner is involved in two other matters, being F.I.R. No.93 of 2017, dated 04.05.2017 (under Sections 21, 61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, and Section 27-A of the Narcotic Drugs and Psychotropic Substances Rules, registered at Police Station Ellenabad, Sirsa) and F.I.R. No.226 of 2015 (under Sections 21/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Ellenabad, Sirsa).

4. Be that as it may, the F.I.R. in the present case was lodged under Section 15/16 of the Narcotic Drugs and Psychotropic Substances Act, 1985, as far back as on 21.03.2012, which certainly was long before the other two cases against the petitioner were started later on.

5. Consequently, admittedly the petitioner was a first time offender in the present case, and considering that the recovery of contraband from her in the case was of a small quantity and that she is a woman, the awarding of the maximum permissible sentence of imprisonment for one year to her by the Ld. Trial Court would certainly appear to be harsh, since undoubtedly no minimum sentence has been prescribed in the Act for the offence under Section 15(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

6. In view of the aforesaid reasons, the revisional petition is

disposed off with a direction that while sustaining the petitioner's conviction, the sentence of imprisonment awarded to her is reduced from one year to six months in the present case.

02.04.2018

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No
2. Whether reportable : Yes/ No