

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-1761-SB-2005 (O&M)

Date of Decision: 01.10.2019

Sarabjit Kaur @ Sabbo

...Appellant

VERSUS

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ashish Grover, Advocate
for the appellant.

Mr. Avtar Singh Sandhu, Addl. A.G. Punjab.

SURINDER GUPTA, J.

This is appeal filed by the appellant against the judgment passed by Judge, Special Court, Bathinda, whereby she was convicted and sentenced to undergo rigorous imprisonment for one year and to pay a fine of ₹2000/- and in default of payment of fine to further undergo rigorous imprisonment for three months, for offence punishable under Section 15 (b) of Narcotic Drugs and Psychotropic Substances Act, 1985 (later referred to as 'NDPS Act').

Heard.

As per case of prosecution, the appellant was apprehended on 22.09.2002 by SI Santokh Singh of Police Station Rampura, who was patrolling the area from Rampura to Bhunder bus-stand. Recovery of 14 kgs. of poppy-husk was effected from the appellant.

Learned counsel for the appellant has not challenged the conviction of appellant on merit and has confined his submission only for taking a lenient view regarding the quantum of sentence. He submits that the appellant was arrested in the year 2002 and a period of about 17 years has

lapsed thereafter. He is not a previous convict and was 32 years of age at the time of her conviction. She has already undergone 04 months and 07 days of imprisonment out of the total sentence awarded to her and has not indulged in such activities thereafter. Now she is leading a peaceful life as a law obedient citizen.

As per custody certificate produced on record, the appellant has undergone 04 months and 07 days of imprisonment. Perusal of judgment, passed by the trial Court, shows that the appellant was 32 years of age when she was convicted. As per custody certificate, she was not found involved in any other case under the NDPS Act or any other penal provisions after this case.

Keeping in view above facts, I find merit in submission of learned counsel for the appellant and the instant appeal is partly accepted. Conviction of appellant as recorded by learned trial Court is maintained. The sentence awarded to the appellant is reduced from one year rigorous imprisonment to the period of sentence already undergone by her. However, the sentence of fine shall remain intact alongwith default clause.

Copy of this order be conveyed to Chief Judicial Magistrate, Bathinda and concerned Jail Superintendent for information and necessary action.

October 01, 2019

jk

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No