

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-194-SB-2005 (O&M)
Date of Decision: 10.09.2019

Satpal

...Appellant

VERSUS

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rajesh Lamba, Advocate
for the appellant.

Mr. Raj Kumar Makkar, Sr. DAG, Haryana.

SURINDER GUPTA, J. (O&M)

This is appeal filed by the appellant against the judgment passed by Additional Sessions Judge, Fatehabad, whereby he was convicted and sentenced to undergo rigorous imprisonment for two years and to pay a fine of ₹10000/- and in default of payment of fine to further undergo rigorous imprisonment for six months, for offence punishable under Section 18 (b) of Narcotic Drugs and Psychotropic Substances Act, 1985.

Heard.

As per case of prosecution, the appellant was arrested on 14.08.2001 by ASI Ram Chand and his police party of Police Station Ratia and 500 gms. of intoxicating substance was recovered from his possession out of which two samples of 10 gms. each were taken, which on receipt of report of FSL were found to be that of Opium.

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

appellant is not a previous convict and was 25 years of age at the time of his conviction. He has already undergone 01 year and 23 days of imprisonment out of total sentence awarded to him.

As per custody certificate produced on record, the appellant has undergone 01 year and 23 days of imprisonment. Perusal of judgment, passed by the trial Court, shows that the appellant was 25 years of age when he was convicted. He is not involved in any other case registered against him under the Narcotic Drugs and Psychotropic Substances Act, 1985 or any other penal provisions.

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 two years rigorous imprisonment to the period of sentence already undergone by him. However, the sentence of fine shall remain intact alongwith default clause.

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

September 10, 2019

jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No