

CRM-19577-2019 in/and
CRA-S-2972-SB-2018

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-19577-2019 in/and
CRA-S-2972-SB-2018
Date of Decision: 26.08.2019

Kabal Singh

.....Applicant-Appellant

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. G.S. Sandhu, Advocate,
for the applicant-appellant.

Mr. A.P.S. Gill, D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

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As per the custody certificate filed by learned State counsel, out of the two year sentence imposed upon the applicant-appellant, for the commission of an offence punishable under Section 18 of the NDPS Act, he is shown to have undergone one year, two months and nineteen days of actual custody.

Though there are two other criminal cases shown to be registered against the appellant at Police Station Nissing (District Karnal), both under the provisions of Section 15 of the NDPS Act, however, learned counsel for the applicant-appellant submits that in one of them he has already been acquitted, with the recovery alleged to have been made from him (as per the case of the prosecution), in the other case being 400 grams of poppy husk.

Learned counsel further submits that the applicant-appellant is not pressing the accompanying appeal on merits but is restricting his prayer therein to reduction of the quantum of sentence imposed by the trial Court.

That being so, the main appeal itself is taken up for hearing today, with the consent of learned counsel for the parties.

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A perusal of the judgment of the trial Court shows that the appellant was found to have been in possession of 15 kgs of poppy husk and 250 grams of opium when he was apprehended by a police party on 03.12.2015, on a chance encounter.

Keeping in view the fact that the quantity of the contraband recovered from the appellant, i.e. both poppy husk and opium, is well below the notified limit of commercial quantity (more than 50 kgs in the case of poppy husk and 2½ kgs in the case of opium), it is considered appropriate that while maintaining the conviction of the appellant, as he is not pressing the appeal on merits, the sentence imposed upon him by the trial Court be reduced to the extent of imprisonment already undergone by him, while maintaining the fine imposed upon him, such fine being Rs. 3,000/- for the commission of the offence punishable under Section 15 of the NDPS Act and Rs. 5,000/- for the commission of the offence punishable under Section 18 of the said Act.

Ordered accordingly.

In case of non-payment of fine prior to release of the appellant from imprisonment, the 'default imprisonment' imposed by the trial Court, of 1½ months in respect of the offence under Section 15 and 02 months in respect of the offence under Section 18 of the NDPS Act, would be further undergone by him.

The appeal stands disposed of accordingly.

August 26, 2019
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes