

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

**CRA-S-781-SB-2012
Date of decision: 04.09.2019**

Kuldeep Singh

...Appellant

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. K. S. Brar, Advocate
for the appellant.

Mr. Jagmohan Ghuman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This appeal has been filed for setting aside the judgment of conviction dated 28.07.2011 and order of sentence of the even date, passed by the trial Court, vide which, the appellant was held guilty for commission of offence punishable under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and was sentenced to undergo rigorous imprisonment for a period of 10 years and to pay a fine of Rs. 1,00,000/- and in default of payment of fine, he was directed to further undergo rigorous imprisonment for a period of 01 year.

At the very outset, learned counsel for the appellant has submitted that since the appellant has completed his entire sentence of 10 years as awarded by the trial Court, the fine of Rs. 1,00,000/-, imposed upon the appellant, may be waived off, considering the fact that appellant is a very poor person and he is not in a position to pay the said fine as he is presently undergoing the sentence in lieu of non-payment of the said fine.

Learned State counsel has filed custody certificate in Court

today, as per which, as on today, the appellant has undergone 10 years, 01 month and 15 days of total sentence including remissions, which shows that on completion of his sentence of 10 years, now he is undergoing imprisonment for a period of 01 year in lieu of non-payment of fine imposed by the trial Court.

After hearing learned counsel for the parties and considering the limited scope available to the appellant as he has already undergone his entire sentence of 10 years and now he is undergoing further sentence of 01 year in lieu of non-payment of fine of Rs. 1,00,000/-, I deem it appropriate to waive off the fine imposed upon the appellant by the trial Court.

Ordered accordingly.

Appeal stands disposed of.

04.09.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*