

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-3531-SB-2018 (O&M)

Date of Decision: 27.11.2019

Lakhbir Singh @ Lakha

...Appellant

VERSUS

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. O.P. Kamboj, Advocate
for the appellant.

Mr. Amitoj Singh Dhaliwal, DAG, Punjab

SURINDER GUPTA, J.

Heard.

The appellant was arrested by the police party headed by ASI Baljit Singh of Police Station Sadar Abohar on 26.05.2015 and recovery of 1 kg. of Opium carried by him in plastic bag was effected from his possession. Judge, Special Court, Fazilka convicted him for offence punishable under Section 18 of Narcotic Drugs and Psychotropic Substances Act, 1985 and sentenced him to undergo rigorous imprisonment for two years and to pay a fine of ₹20,000/- and in default of payment of fine to further undergo rigorous imprisonment for four months.

Learned counsel for the appellant has not challenged the conviction of appellant on merit and has confined his submission only for a lenient view regarding the quantum of sentence. He has argued that the appellant is not a previous convict. No other case is pending against him and he has undergone sentence of 01 year 05 months and 09 days as on 26.11.2019. Keeping in view age and antecedents of appellant, he has prayed

for lenient view about the quantum of sentence awarded to him.

Custody certificate produced by learned State counsel shows that the appellant has undergone sentence of 01 year 05 months and 09 days. He is neither a previous convict nor any other case is pending against him. He was 39 years of age at time of commission of offence. Opium recovered from his possession falls in non-commercial category of contraband.

Keeping in view above facts, I find reasons to accept submission of learned counsel for the appellant. This appeal is partly accepted. Conviction of appellant for offence punishable under Section 18 of 'NDPS Act', as awarded by the trial Court, is maintained. His sentence is reduced from rigorous imprisonment for two years 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, Fazilka and concerned Jail Superintendent for information and necessary action.

November 27, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***