

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Criminal Appeal No.S-1991 of 2019 (O&M)
Date of Decision: November 13, 2019**

Charanjit Singh @ Babbu

.....APPELLANT(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Prashant Vashisht, Advocate
for the appellant (s).

Mr. Amitoj Singh Dhaliwal, DAG, Punjab.

SURINDER GUPTA, J.

This is appeal filed by appellant against the judgment of conviction and order of sentence both dated 03.07.2019 passed by Judge, Special Court, Ludhiana, whereby appellant was convicted and sentenced to undergo rigorous imprisonment for one year and to pay a fine of ₹10000/- and in default of payment of fine to further undergo simple imprisonment for two months, for offence punishable under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985.

The case of the prosecution, in brief, is that appellant was apprehended on 07.05.2017 by the police party of Police Station Sarabha Nagar, Ludhiana headed by ASI Jasvir Singh and recovery of 13 Kg of poppy husk carried by him in a plastic bag was effected.

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 on the ground that appellant is not a previous convict and has already undergone sentence of imprisonment of 5 months and 7 days, out of total sentence of one year awarded to him.

Custody certificate produced on file shows that appellant is not a previous convict and is also not involved in any other case registered against him under the Narcotic Drugs and Psychotropic Substances Act, 1985. Keeping in view the quantum of contraband recovered from the appellant and his antecedents, I find reason to accept the submission of learned counsel for the appellant.

Instant appeal is partly accepted. Conviction of appellant for offence punishable under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985, as awarded by the trial Court and sentence of fine along with default clause, are maintained. However, his substantive sentence is reduced from rigorous imprisonment for one year to rigorous imprisonment for 06 months.

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

November 13, 2019
Sachin M.

(SURINDER GUPTA)
JUDGE

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

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