

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

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**CRA-S-2197-2019 (O&M)
Date of Decision: 05.09.2019.**

State of Haryana

....Appellant.

Versus

Krishan Pal

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Ashok Muthreja, Deputy Advocate General
Haryana.

Shekher Dhawan, J.

CRM-23724-2019

Prayer made in the application under Section 5 of the Limitation Act is for condonation of 54 days' delay in filing the appeal.

After hearing the learned State counsel for the applicant-appellant and in view of the grounds mentioned in the application, delay of 54 days in filing the appeal is condoned.

CRM stands disposed of.

CRA-S-2197-2019

Present appeal filed by the appellant-State of Haryana is for enhancement of sentence awarded to respondent/accused-Krishan Pal, who was convicted and sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.10,000/- for commission of offence punishable under Section 18 of the N.D.P.S. Act vide judgment of conviction and order of sentence dated 12.03.2019 passed by learned Additional Sessions Judge-cum-Judge, Special Court, Karnal, for having

Undisputedly, the alleged recovery of 1 kg Opium from the respondent-accused is less than the 'commercial quantity' and more than the 'small quantity' and the trial Court has already taken most reasonable view while awarding the sentence of one year's rigorous imprisonment with fine of Rs.10,000/- to the respondent-accused.

In view of the above, no case is made out for enhancement of the sentence already awarded to the respondent-accused and the present appeal stands dismissed.

(SHEKHER DHAWAN)
JUDGE

05.09.2019

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No