

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

**Criminal Appeal No.S-2967 of 2019 (O&M)
Date of Decision: December 17, 2019**

Gurvail Singh

.....APPELLANT(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Amit Arora, Advocate
for the appellant (s).

Mr. Rakesh Inder Singh, A.A.G. Punjab.

SURINDER GUPTA, J.

This is appeal against the judgment of conviction and order of sentence both dated 04.09.2014 passed by Judge, Special Court, Fazilka, whereby the appellant has been convicted for the offence punishable under Section 18 of Narcotic Drugs and Psychotropic Substances Act, 1985 in case FIR No.61 dated 15.06.2017 registered at Police Station City2, Abohar and sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of ₹10,000/-, in default whereof, to undergo further RI for one month.

As per the case of the prosecution, 500 gms of opium was recovered from the possession of the appellant in the area of Ganga Nagar road, focal point, Abohar on 15.06.2017.

Learned counsel for the appellant has confined his submission only for taking lenient view regarding the quantum of sentence. He has argued that appellant is not a previous convict and out of sentence of six

months' rigorous imprisonment awarded to him, he has already undergone four months nine days as on 14.12.2019. He seeks reduction of the sentence of appellant to the period of imprisonment already undergone by him.

Learned State counsel has not seriously opposed the submission of learned counsel for the appellant.

Custody certificate dated 14.12.2019 shows that the appellant has undergone four months nine days of imprisonment till 14.12.2019. He is not a previous convict and there is no other criminal case pending against him.

Keeping in view the fact that appellant is not a previous convict, I am of the considered opinion that ends of justice will be fully met if the sentence awarded by the trial Court is reduced from rigorous imprisonment for six months to the period of imprisonment already undergone by him.

Consequently, this appeal is partly accepted. Conviction of appellant for the offence punishable under Section 18 of Narcotic Drugs and Psychotropic Substances Act, 1985 is upheld. However, sentence awarded to him by the trial Court is reduced from rigorous imprisonment for six months to the period of imprisonment already undergone by him. The sentence of fine is, however, kept intact with default clause.

Copy of this judgment be sent to Superintendent, Central Jail, Ferozepur, for compliance.

December 17, 2019
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No