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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.A. 1478/2014

MASOOM ALI Appellant

Through: Mr. J.A. Khan, Advocate

Versus

STATE Respondent

Through: Ms. Neelam Sharma, Additional
Public Prosecutor for State with SI
Bharat Lal

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
28.02.2019

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Vide impugned judgment of 18th February, 2014 appellant has been held guilty for the offence under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and vide order of 28th February, 2014 he has been awarded minimum sentence of ten years with fine of ₹1,00,000/-. In default of payment of fine, trial court has directed that appellant shall undergo simple imprisonment for a period of three months.

The facts as emerging from the record are noticed in the opening paragraphs of the impugned judgment. The recovery from appellant is of 5 Kg. of *Charas*. Learned counsel for appellant has assailed the impugned judgment on merits.

On the other hand, learned Additional Public Prosecutor for respondent-State submits that the conviction and the sentence awarded to

appellant is justified in light of the evidence on record.

Upon hearing and on perusal of the impugned judgment and the evidence on record, I find that conviction of appellant is well merited and the substantive sentence awarded to him is the minimum sentence and is hence maintained. However, so far as the sentence in default of payment of fine is concerned, in the facts and circumstances of this case, the sentence in default of payment of fine is reduced from simple imprisonment of three months to simple imprisonment for one month.

While modifying the impugned order on sentence of 28th February, 2014, this appeal is accordingly disposed of.

The appellant be apprised of this order through concerned Jail Superintendent.

(SUNIL GAUR)
JUDGE

FEBRUARY 28, 2019

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