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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Reserved on : 7th January, 2019

Date of Decision: 10th January, 2020

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CRL.A.516/2013 & CRL.M(B) 762/2013

TEO KOK SIONG

..... Appellant

Through: Mr. Joginder Tuli & Ms.
Joshini Tuli, Advocates

versus

THE NARCOTICS CONTROL BUREAU Respondent

Through: Mr. Subhash Bansal, Standing
Counsel

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**CRL.A.837/2013, CRL.M(B) 1357/2013 &
CRL.M.A.9946/2013**

NIRMALA KUMARI

..... Appellant

Through: Mr. Joginder Tuli & Ms.
Joshini Tuli, Advocates

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Subhash Bansal, Standing
Counsel

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

CHANDER SHEKHAR, J.

1. The present appeals were filed by the appellants against the judgment dated 6.10.2012 and subsequent order on sentence dated 11.10.2012 passed by the Special judge, NDPS, Patiala House Court, New Delhi wherein the appellants were convicted under Section

20(b)(ii)(c) read with Section 29 of the Narcotics Drugs and Psychotropic Substances Act, 1985 ('NDPS Act') and sentenced to undergo rigorous imprisonment for a period of 10 years and to pay a fine of Rs. 1,00,000/- each and in default thereof to undergo simple imprisonment for 6 months.

2. Learned counsel for the appellants submitted that she does not, as per instructions, press the appeal of the appellants on merits.

3. Learned counsel for the appellants further submitted that appellants have already undergone almost 9 years and 9 months of their sentence as on date.

4. Learned counsel for the appellants have also relied upon the following judgments:

(i) *Shahejadkhan Mahebubkhan Pathan v. State of Gujarat* 2012 10 Scale 21

(ii) *Unice Ada Jemor v. Customs* 2014(9) RCR (Cri) 819

(iii) *Raj Kumar v. State* 2013 LawSuit (del) 838

5. I have heard the learned counsel for the parties and have also perused the Trial Court record.

6. The appellants have not opted to challenge the findings of the learned Trial Court on conviction under Section 20(b)(ii)(c) read with Section 29 of the NDPS Act. Hence, the judgment on conviction of the Trial Court dated 6/10/2012 is affirmed.

7. As regards the order on quantum of sentence, the appellants were sentenced to undergo rigorous imprisonment for a period of 10 years for the offence punishable under Section 20(b)(ii)(c) read with Section 29 of the NDPS Act and to pay a fine of Rs. 1,00,000/- each

and in default thereof to undergo simple imprisonment for 6 months vide order dated 11.10.2012. The appellants have almost served the substantial sentence as stated hereinabove. The conduct of the appellants has been reported to be satisfactory as per the nominal roll received from the jail authorities. The appellants have not been previously convicted nor are they involved in any other criminal case.

8. Hence, taking into consideration, Section 30 of the Code of Criminal Procedure, 1973 and the judgments passed in the matters of *Shahejadkhan Mahebubkhan Pathan v. State of Gujarat*(supra), *Unice Ada Jemor v. Customs*(supra) and *Raj Kumar v. State*(supra), the default sentence of the appellants is reduced from six months to two months. It is ordered that the appellants shall pay a fine of Rs.1 lac each and in default of payment of fine, the appellants shall have to further undergo simple imprisonment for two months.

9. The appeals filed by the appellants are disposed of in the above terms. Pending applications are also disposed of.

10. Copy of this order be sent to the Superintendent, Tihar Jail who shall also supply a copy of the same to the appellants. Copy of the order along with the Trial Court record be sent back immediately.

CHANDER SHEKHAR, J

JANUARY 10, 2020/rk