

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

CRA-S-1114-SB-2005(O&M)

Date of decision:-7.4.2022

Tarun Narula

...Appellant

Versus

State (U.T. Chandigarh)

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr. N.K. Sanghi, Advocate
for the appellant.

Mr.Anil Kumar Lamdharia, Addl.P.P., UT, Chandigarh.

H.S. MADAAN, J.

Appellant/accused Tarun Narula was tried by Judge, Special Court, Chandigarh in case FIR No.45 dated 8.2.2001, under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as '**the Act**'), Police Station Sector 11, Chandigarh, on the allegations that on 8.2.2001 in the area of gate of Punjab University, Chandigarh, he was apprehended by the police party and he was found in possession of 1.5 kgs. of opium. The accused was accordingly arrested. The contraband was seized. After completion of investigation and other formalities, he was challaned and sent up to face trial. The trial ended in

his conviction and vide judgment dated 9.6.2005, he was convicted for the offence under Section 18 of NDPS Act and vide order dated 10.6.2005, he was sentenced to undergo rigorous imprisonment for five years and to pay a fine of ₹10,000/- and in default thereof to further undergo rigorous imprisonment for a period of six months.

Feeling aggrieved by the said judgment of conviction and order of sentence, the accused/appellant had preferred the present appeal before this Court, which came up for hearing on 7.7.2005 when it was admitted. On an application having been filed by the appellant/accused for suspension of his sentence of imprisonment during the pendency of appeal, the same was allowed on 29.11.2005.

I have heard learned counsel for the appellant and learned State counsel besides going through the record.

At the very outset, learned counsel for the appellant states that he does not challenge the judgment on the point of conviction but wants to make submissions with regard to sentence only.

Learned counsel for the appellant has contended that the appellant is now aged about 50 years; he is not involved in any other criminal case; a period of around 17 years has since been elapsed from the date of his conviction and sentence, during which he has not indulged in any criminal activity; the appellant/accused has remained in jail for 15 months in this case, as such a lenient view in the matter be taken.

Although learned State counsel has opposed the request for reduction of sentence but after considering the rival contentions and going through the record, I find that the prayer made by learned counsel for the

appellant can be accepted for various reasons. Firstly, the contraband recovered from the appellant/accused amounts to non-commercial quantity. Secondly, the judgment of his conviction and order of sentence was passed about 17 years back and from that date till now, the appellant is not shown to have indulged in any criminal activity. Furthermore, the appellant is not shown to be involved in any other criminal case. He is presently aged about 50 years.

In that way, while upholding the judgment of conviction passed against the appellant/accused, the order of sentence is modified and his sentence is reduced to one already undergone by him in this case. Whereas, the fine part is kept as intact. The appellant/accused may deposit the amount of fine in the trial Court within one month from today and in case of default of payment of fine, the appellant/accused shall be liable to be taken into custody and made to undergo sentence in default of payment of fine.

As such the appeal challenging the impugned judgment stand disposed of with above modification in sentence.

Necessary intimation be sent to Chief Judicial Magistrate, Chandigarh for necessary compliance.

7.4.2022
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : No / Yes

Whether reportable : No / Yes