

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

CRA-S-1274-SB-2005
Date of decision:-28.4.2022

Rajender Verma @ Rajinder Singh

...Appellant

Versus

State of Haryana

...Respondent

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

Present: Mr.N.C. Kinra, Advocate
for the appellant.

Mr.Brijesh Sharma, AAG, Haryana.

H.S. MADAAN, J.

Appellant/accused Rajender Verma @ Rajinder Singh was tried by Special Judge, Rohtak in case FIR No.154 dated 1.4.2004, under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as '**the Act**'), Police Station Civil Lines, Rohtak, on the allegations that on 1.4.2004 in the area near Ashoka Cinema turning, a police party headed by ASI Ram Kumar intercepted Indica car bearing registration No.DL4CM-4254, driven by appellant/accused and on search being conducted as per rules, found 200 gms. of opium wrapped in a glazed paper, from the right side pocket of his pants. After drawing

sample of 10 gms., the sample and remainder were converted into the sealed parcels, which were taken into police possession. The accused was accordingly arrested. 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 19.7.2005, he was convicted for the offence under Section 18(C) of NDPS Act and vide order dated 21.7.2005, he was sentenced to undergo rigorous imprisonment for 3 years and to pay a fine of Rs.5,000/- and in default thereof to further undergo rigorous imprisonment for a period of 3 months. He had deposited the fine in the trial Court.

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 19.8.2005 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 19.8.2005.

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/accused is a first offender; the recovery involved in this case amounts to non-commercial quantity and more than 18 years have elapsed from the date of recovery of contraband; he has undergone about 3 months

and 10 days out of the total sentence of imprisonment awarded to him; he is not involved in any other case; he does not have any past criminal record; the appellant is married having children and has family to support, as such a lenient view in the matter be taken.

Whereas learned State counsel has contended that sentence awarded to the appellant is not on higher side and does not call for any reduction.

After hearing the learned counsel for the parties, I find that the prayer made by learned counsel for the appellant can be accepted for various reasons i.e. the appellant has undergone about 3 months and 10 days; he is not shown to have any past criminal record and there is nothing on record to show that he has indulged in any criminal activity after his remaining sentence was suspended during the pendency of this appeal and releasing him on bail vide order dated 19.8.2005; the contraband recovered from the appellant – accused amounts to non-commercial quantity.

In that way, while upholding the judgment of conviction passed against the appellant/accused, the order of sentence is modified and his sentence of imprisonment is reduced to one already undergone by him in this case while keeping the fine part intact. As observed by Special Judge, Rohtak in order dated 21.7.2005, the amount of fine has already been deposited by the appellant/accused. This fact is further fortified from the receipt placed on record by the learned counsel for the appellant.

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

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

28.4.2022
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : No / Yes

Whether reportable : No / Yes