

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

CRA-S-1989-SB-2006

DATE OF DECISION :- April 21, 2022

Lachmi

...Appellant

Versus

State of Punjab

...Respondent

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

Present:- Mr. R.S. Gill, Advocate
for Mr. Parminder Singh Sekhon, Advocate for the appellant.

Mr. Anmol Singh Sandhu, AAG, Punjab.

Appellant accused Lachmi faced trial by Judge Special Court, Sangrur in case F.I.R. No. 149 dated 26.5.2004 under Section 15 of Narcotic Drugs and Psychotropic Substances Act registered with Police Station Dhuri, on the allegations that on 26.5.2003, in the area of little ahead of water tank, Grain Market, Dhuri within jurisdiction of Police Station Dhuri, she was found in possession of 18.5 Kgs of poppy husk.

The trial ended in her conviction vide judgment dated 4.10.2006 and vide order of the even date, she was sentenced to undergo rigorous imprisonment for a period of 1 year and to pay a fine of Rs.2000 and in default of payment of fine to further undergo rigorous imprisonment for a period of four months.

Feeling aggrieved by that judgment, she had approached this Court by way of filing an appeal which came up for hearing on 12.10.2006 when it was admitted and recovery of fine was ordered to remain stayed during pendency of the appeal. On an application having been filed under

Section 389 Cr.P.C., remaining sentence of the appellant-accused was suspended on that very day.

Now the appeal is being taken up for final hearing.

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 of conviction passed against the appellant/accused, however, he has to make submissions on the point of quantum of sentence.

Under the circumstances, the impugned judgment passed by Judge Special Court, Sangrur is upheld as far as conviction of accused for offence under Section 15 of the NDPS Act is concerned. Learned counsel for the appellant accused has contended that appellant is a women; presently aged about 60 years; she is married having children; she does not have any past criminal record and she has not indulged in any criminal activity after suspension of her sentence and grant of bail in this case. His further contention has been that she has already undergone 2 months and 15 days of imprisonment in this case and the recovery involved amounts to non-commercial quantity.

Learned State counsel has defended the order of sentence submitting that the sentence awarded to the appellant-accused is not on the higher side.

However, I find that considering the fact that the appellant accused was aged about 42 years at the time of her conviction and sentence on 4.10.2006 and now about 16 years have elapsed therefrom. In that way her age comes to around 58 years. There is nothing on record to show that

she has indulged in any criminal activity prior to her conviction and sentence and during the intervening period when her sentence was suspended and she was released on bail.

In that way, while upholding the judgment of conviction passed against the appellant/accused, the order of sentence is modified and her sentence is reduced to one already undergone by her in this case. Whereas, the fine part is kept as intact. The appellant/accused is directed to deposit the amount of fine in the Court of Chief Judicial Magistrate, Sangrur within one month from today, failing which Chief Judicial Magistrate, Sangrur shall issue warrants of arrest against the appellant accused to make her undergo imprisonment in default of payment of fine as awarded by the trial Court.

As such the appeal is disposed of accordingly.

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

(H.S. MADAAN)
JUDGE

April 21, 2022
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No