

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

CRA-S-2277-SB-2006

DATE OF DECISION :- April 21, 2022

Lakhvinder Kaur alias Rinku

...Appellant

Versus

State of Haryana

...Respondent

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

Present:- Mr. Gurcharan Dass, Advocate for the appellant.

Mr. S.S. Pannu, DAG, Haryana.

Appellant accused Lakhvinder Kaur alias Rinku faced trial by Judge Special Court, Kurukshetra in case F.I.R. No. 24 dated 16.2.2004 under Section 15 of Narcotic Drugs and Psychotropic Substances Act registered with Police Station K.U. Kurukshetra, on the allegations that on 16.2.2004, near second gate of Kurukshetra University, Kurukshetra, she was found in possession of 14 Kgs of poppy husk.

The trial ended in her conviction vide judgment dated 4.8.2006 and vide order dated 5.8.2006, she was sentenced to undergo rigorous imprisonment for a period of five years and to pay a fine of Rs.30,000 and in default of payment of fine to further undergo simple imprisonment for a period of another six months.

Feeling aggrieved by that judgment, she had approached this Court by way of filing an appeal which came up for hearing on 17.11.2006, 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.

Learned State counsel has contended that the Court may pass any order deemed proper considering the facts and circumstances and submissions made by learned counsel for the appellant/accused.

Learned counsel for the appellant has contended that the appellant/accused is a lady and at the time of incident she was of the age of 20 years and presently she is aged about 36 years; there is nothing on record to show that she 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.

Keeping in view the fact that the appellant is a women and was of young age at the time of commission of offence and as per record she has undergone 2 years and 9 months out of awarded imprisonment of 5 years, 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, Kurukshetra within two months from today,

failing which Chief Judicial Magistrate, Kurukshetra 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, Kurukshetra for necessary compliance.

(H.S. MADAAN)
JUDGE

April 21, 2022
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No