

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRA-2328-SB-2006

DECIDED ON: 1st SEPTEMBER, 2022

KASHMIR SINGH

APPELLANT

VERSUS

STATE OF PUNJAB

RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. J.S. Thind, Advocate with
Mr. Shashan, Advocate
for the appellant.

Mr. J.P. Ratra, Sr. DAG, Punjab.

SANDEEP MOUDGIL, J

The instant appeal has been filed against the judgment of conviction and order of sentence dated 15.11.2006 passed by learned Judge Special Court, Amritsar, whereby, the appellant has been convicted and sentenced to undergo RI for a period of six months along-with payment of fine to the tune of Rs.200/-, in default of payment of fine to further undergo RI for a period of 15 days, for having committed the offence under Section 18 of the NDPS Act.

Brief facts of the case are that on receiving secret information the appellant was apprehended and on search 30 grams of opium was recovered from the right side pocket of the kurta worn by the appellant.

At the very outset, learned counsel for the appellant confines

his prayer to the quantum of sentence. He submits that FIR was registered on 19.07.2005, the appellant has faced the agony of trial for more than two decades. He has undergone one month and 10 days of custody, as such, the sentence may be reduced to the period already undergone by him.

Learned counsel for the State opposes the prayer made by learned counsel for the appellant. Submission is that learned trial Court appreciated the evidence and after analyzing the facts on record has convicted the appellant due to which no interference is called for. He has filed the Custody certificate of the appellant in Court today, which is taken on record. According to the custody certificate, the appellant has undergone actual sentence of one month and 10 days, including remissions.

Heard learned counsel for the parties at some length and records are also perused.

There is no ground made out for interference on merits in the impugned judgment of conviction and order of sentence. The conviction of the appellant is, thus, upheld. However, the contention of learned counsel for the appellant regarding quantum of sentence deserves consideration.

As per the custody certificate, the appellant has undergone total sentence of one month and 10 days, including remissions. There is no other case of similar nature against the appellant.

It would be appropriate to note at this stage that FIR was registered on 19.07.2005, the appellant has faced agony of trial for about two decades.

Considering the fact that the appellant is first time offender and has faced agony of protracted trial for a considerable long period, to

meet the ends of justice, the present appeal is partly allowed.

The conviction of the appellant is upheld, however, his sentence is reduced to the period already undergone by him, subject to payment of fine of ₹20,000/- over and above the fine imposed by the trial Court. The appellant need not to suffer remaining sentence.

SANDEEP MOUDGIL
JUDGE

1st SEPTEMBER, 2022.
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| 1. Whether speaking/ reasoned : | Yes / No |
| 2. Whether reportable : | Yes / No |