

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

CRA-S-3068-SB-2011

Date of decision:-9.5.2022

Shinderjit Kaur @ Baggo

...Appellant

Versus

State of Punjab

...Respondent

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

Present: Mr.Mohit Giri, Advocate for
Mr.Ashok Giri, Advocate
for the appellant.

Mr.Anmol Singh Sandhu, AAG, Punjab.

H.S. MADAAN, J.

1. Appellant/accused Shinderjit Kaur @ Baggo was tried by Judge, Special Court, Jalandhar in case FIR No.208 dated 1.8.2009 for an offence under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as '**the Act**'), Police Station Sadar, Jalandhar, on the allegations that on 1.8.2009, when apprehended by the police party headed by ASI Rajwinderjit Singh, in the area of near drain within jurisdiction of Police Station Sadar, Jalandhar, she was found in possession of 25 kgs. of poppy-straw. In terms of judgment dated 1.11.2011, the accused/appellant was convicted in that case for the offence under Section 15(b) of NDPS Act and vide order of even date, she was sentenced to undergo rigorous imprisonment for 1 ½ years and to pay a fine of ₹10,000/- and in default thereof to further undergo rigorous

imprisonment for a period of 4 months.

2. Feeling aggrieved by the said judgment of conviction and order of sentence (supra), the accused/appellant Shinderjit Kaur @ Baggo had preferred the present appeal before this Court, which was put up on 29.11.2011 when it was Admitted for regular hearing and recovery of fine was stayed. On an application having been filed by the appellant/accused for suspension of her remaining sentence of imprisonment during the pendency of appeal, the remaining sentence of the appellant was ordered to be suspended during the pendency of appeal on 1.3.2012. Now the case has come up for regular hearing.

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

4. 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.

5. Learned counsel appearing for the appellant has contended the appellant/accused was a woman aged about 30 years at the time of recovery and more than about 12 years have elapsed from the date of recovery till date and the recovery involved in this case amounts to non-commercial quantity; she is a poor woman; as such a lenient view in the matter be taken.

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

7. After hearing the learned counsel for the parties, I find that

the prayer made by learned counsel for the appellant deserves to be accepted for various reasons. Firstly, the contraband recovered from the appellant/accused amounts to non-commercial quantity. Furthermore, she has already undergone 4 months out of the substantive sentence awarded to her as mentioned in the order dated 1.3.2012 while suspending her remaining sentence during the pendency of the appeal.

8. 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 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.

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

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

9.5.2022
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(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : No / Yes

Whether reportable : No / Yes