

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRR-2464-2019

Date of Decision: 05.09.2022

State of UT

... Petitioner

VS.

Parminder Singh

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Deepinder Brar, Addl. PP, UT Chandigarh

Sandeep Moudgil, J. (Oral)

This criminal revision petition is directed against the judgment dated 01.06.2019 passed by the Ld.Special Court, Chandigarh with a prayer to modify the same and enhance the sentence awarded to the respondent, suitably.

The respondent was apprehended with 210 grams of charas which resulted in lodging of FIR No.142 dated 10.09.2017 under Section 20 of the NDPS Act, at Police Station IT Park, Chandigarh.

To prove its case, the prosecution examined 8 witnesses however, no evidence was led by the respondent in his defence.

The contentions raised by the petitioner that the statement of the police officials are not corroborated by an independent witness; Section 50(1) of the NDPS Act was not complied with as he was not given opportunity to be searched before a Gazetted Officer or a Magistrate; the statements of the prosecution witnesses was contradictory, apart from other loop-holes in the manner of conducting the search, did not weigh much in the mind of the Special Judge which held that the time, place and manner of recovery are in consistent with the statements of the witnesses. Report Ex.P11 proved the samples contained charas and ultimately, the respondent was held guilty and

convicted under Section 20 of the NDPS Act for keeping the charas without any licence or permit. However, on the quantum of sentence, the trial court after considering the fact that the respondent is not a previous convict, his family background, and by giving an opportunity to the respondent to improve, sentenced the respondent with imprisonment which he had already undergone during trial from 10.09.2017 to 02.11.2017 and from 01.06.2019 to 03.06.2019 with a fine of Rs.10,000/-.

The present appeal has been filed by the State for enhancement of the sentence awarded to the respondent.

The grounds of appeal is nothing but mere repetition of the depositions of the witnesses much less without any contention on which the enhancement is sought. The petitioner-UT Chandigarh, being a welfare State is expected to take steps in the reformation of the youths who, due to unemployment, poverty, poor family background and other social and mental aspects, get involved themselves in such crimes unknowing the repercussions of their activities. The sentence awarded by the Special Judge is only to give an opportunity to the respondent to reform himself and come in the mainstream in the society and become a good citizen. The learned Special Judge has rightly held that 'the respondent is not a previous or hardcore convict', against whom the State/UT should be so eager to walk to the Court for enhancement.

No ground for interference much less enhancement of the sentence awarded by the Special Court, to the respondent is made out.

Dismissed with cost of Rs.10,000/- to be paid by the petitioner-
UT in the Punjab and Haryana High Court Employees' Welfare Association
Fund within one month.

05.09.2022
V.Vishal

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No