

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
403**

**CRA-S-1982-SB-2004 (O&M)
Decided on : 01.02.2023**

Dev @ Dev Singh

. . . Appellants(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. J.P. Virk, Advocate for the appellant.

Mr. Pawan Kumar Jhanda, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. Present appeal has been filed by appellant- Dev @ Deva Singh, against the judgment of conviction and order of sentence dated 16.08.2004 passed by Additional Sessions Judge, Sirsa, in NDPS case No. 79 of 2003 arising from FIR No. 90 dated 14.06.2003, under Sections 15/16 of Narcotic Drugs and Psychotropic Substances, Act, 1985 (in short 'NDPS Act'), registered at Police Station Rori.

2. For keeping in possession of 12kg of poppy straw without there being any permit /licence, appellant was convicted for a period of 02 ½ years as rigorous imprisonment alongwith fine of Rs. 25,000/- and in default of payment of fine, to further undergo R. I. for 06 months.

Today, learned counsel for appellant submits that without challenging the judgment of conviction dated 16.08.2004, passed by learned trial Court, present appeal may be disposed of for the reasons that appellant has already completed his sentence period more than it was ordered.

To confirm the said fact, learned State counsel produces a custody certificate dated 01.02.2023, which discloses the fact that appellant, in fact had undergone the sentence period of 03 years and 01 day uptill 01.01.2007.

Probably, more than the substantive order is for the reason of undergoing the sentence period of alternative sentence awarded because of non payment of fine.

Be that as it may, as judgment of conviction is not challenged by the counsel for the appellant, present appeal is disposed of on account of already completed the sentence, as ordered by learned trial Court.

Petition stands disposed of in above terms.

(SANJAY VASHISTH)
JUDGE

01.02.2023

Riya

Whether speaking/reasoned: Yes/~~No~~
Whether Reportable: Yes/~~No~~