

(215)

2023:PHHC:078701

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

CRA-S-1851-SB of 2016

Date of Decision: May 30, 2023

**Salim ...Appellant
Versus
State of Haryana ...Respondent**

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. I.S. Pabla, Advocate for the appellant.
Mr. Randhir Singh, Addl. AG, Haryana.

DEEPAK GUPTA, J.(Oral)

Learned counsel for the appellant has placed on record self attested copy of the receipt showing the deposit of fine of ₹10,000/- as imposed by the trial Court.

Appellant was convicted under Section 15 of the NDPS Act for possessing 5 kg of poppy straw vide judgment dated 02.05.2016 passed by learned Special Judge/ Additional Sessions Judge, Kurukshetra in a case arising out of FIR No.174 dated 23.12.2014 registered at Police Station Ismailabad, Kurukshetra. He has been sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of ₹10,000/- with default sentence. Statement was made on behalf of the appellant by learned counsel on 11.05.2023 stating that he did not challenge the conviction and confines his arguments only against the order of sentence. He has further made a prayer to sentence the appellant for the period already undergone by him.

As per the custody certificate placed on record by learned State Counsel, appellant has already undergone the custody of 02 months

and 12 days. He has already paid the fine. No other case is pending against the appellant as per the custody certificate.

In view of the afore-said statement, the appeal against the judgment of conviction is hereby dismissed.

Having regard to the fact that petitioner has no other case pending against him and he has already undergone imprisonment of more than two months, it will be in the interest of justice to sentence him for the period already undergone by him, instead of sending him behind bars as his sentence was earlier suspended on 28.05.2016. As such, maintaining the conviction as recorded by the trial Court, the order of sentence is hereby modified. The appellant is sentenced to the imprisonment for the period already undergone by him.

Disposed of.

May 30, 2023

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(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No