

2023:PHHC:066612

CRA-S-2682-SB of 2014
Date of Decision: May 09, 2023

Shanti Devi ...Appellant
Versus
The State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sahil Khunger, Advocate
(Legal Aid Counsel) for the appellant.

Mr. P.S. Pandher, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

Appellant was convicted under Section 15(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 vide judgment dated 21.04.2014 of learned Special Court, Bathinda in case FIR No.75 dated 04.07.2011 registered at Police Station Canal Colony, Bathinda for keeping in her possession 10 kg of poppy husk, i.e. non-commercial category. She was sentenced to undergo rigorous imprisonment for a period of one year and also to pay fine of ₹3,000/-. Against the aforesaid conviction and order of sentence, this appeal was filed.

Before this Court, learned counsel for the appellant submits that he does not challenge the judgment of conviction and confines his contention against the order of sentence only. Further prayer made by learned counsel is to sentence the petitioner for the period already undergone by her, considering that the petitioner is a lady and the occurrence had taken place way-back in 2011.

As per the custody certificate, placed on record, petitioner

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has already undergone actual sentence of 05 months and 15 days out of
one year.

Occurrence had taken place way back on 04.07.2011. Almost 12 years have elapsed. Sentence of the appellant had been suspended by this Court on 27.08.2014.

In view of the above, it will not be in the interest of justice, to further send the appellant behind the bars.

Having regard to all the facts and circumstances, by maintaining the conviction, order of sentence is hereby modified and appellant is sentenced to undergo imprisonment for the period already undergone by her.

Disposed of.

May 09, 2023
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(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No