

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-S-990-SB-2017
Date of Decision: 14.12.2023

JAGDEEP SINGH

. . . . Appellant

Vs.

State of Punjab

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Vansh Chawla, Advocate, for the appellant.

Mr. R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J.

In Sessions case No.98 of 2013 arising out of FIR No.12 dated 26.01.2013 registered at Police Station City Jagraon, District Ludhiana, appellant-Jagdeep Singh was convicted by the Court of Id. Special Court, Ludhiana, vide judgment dated 18.02.2017, under Section 15 (Act N: 61 of 1985) of the Narcotics Drugs and Psychotropic Substances Act, 1985 [for short 'the NDPS Act'] for keeping in his conscious possession 23 Kg poppy husk without having permit or license.

2. Vide a separate order of even date, appellant was sentenced to undergo rigorous imprisonment for a period of 1 year and 6 months and also to pay fine of ₹8000/- for committing the said offence with default sentence of 2 months.

3. Feeling aggrieved by the aforesaid conviction and sentence, this appeal was filed. However, on 07.12.2023, statement was made by Id. counsel for the appellant so was to withdraw this appeal against the judgment of

conviction, with the limited prayer to modify the order of sentence, so as to sentence the appellant for the period already undergone by him.

4. Ld. State counsel has no objection to accept the aforesaid prayer.
5. Having perused the impugned judgment, it is found that conviction has been recorded after proper appreciation of the evidence on record. As such, keeping in view the statement of ld. counsel for the appellant made on 07.12.2023, present appeal against the judgment of conviction dated 18.02.2017, is hereby dismissed as withdrawn.
6. As far as the impugned order of sentence is concerned, as per the custody certificate available on record, appellant has already undergone actual custody of 2 months and 14 days. He is not involved in any other criminal case. He has already deposited fine of ₹8000/- as per the receipt placed on record.
7. Keeping in view the aforesaid facts, particularly the fact that the appellant is the first offender and has already undergone sentence of 2 months and 14 days, it is considered that the period already undergone by the appellant is adequate enough to meet the ends of justice. As such, the impugned order dated 18.02.2017, qua the quantum of sentence, passed by ld. Special Court, is hereby modified. Appellant is sentenced to imprisonment for the period already undergone by him.

Pending application(s), if any, shall stands disposed of.

14.12.2023
Vivek

(DEEPAK GUPTA)
JUDGE

1. Whether speaking/reasoned? Yes
2. Whether reportable? No