

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

CRA-S-2537-2023 (O&M)

Reserved on 02.12.2023.

Pronounced on 22.12.2023

SATYAWAN @ MOTA

... Appellant

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Dinesh Maurya, Advocate,
for Mr. G.S. Sandhu, Advocate,
for the appellant.

Mr. Vishal Malik, DAG, Haryana.

SANJIV BERRY, J. (ORAL)

1. Instant appeal has been preferred against the judgment of conviction dated 22.08.2023 and order of sentence dated 25.08.2023, passed by learned Additional Sessions Judge, Karnal, whereby the appellant had been convicted and sentenced in case FIR No. 774 dated 01.07.2018, under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985, (for short, 'the NDPS Act') registered at Police Station City, Karnal, for keeping in his conscious possession of 1 kg 150 grams of *ganja patti*. Applicant-appellant was sentenced as under: -

Name of convict	Offence	Period of sentence and fine imposed	Period of sentence in default of payment of fine.
Satyawan @ Mota	20 (b)(ii) (B) of the NDPS Act	RI for 06 months with a fine of Rs. 3,000/-	15 days

2. Feeling aggrieved by the aforesaid conviction and sentence, instant appeal was filed which was admitted on 12.09.2023. However, learned counsel for the appellant has limited his prayer to modify the order of sentence dated 25.08.2023, so as to sentence the appellant for the period already undergone by him.

3. Learned State Counsel has produced the custody certificate dated 08.11.2023 to contend that the appellant has already undergone more than 05 months out of the total sentence of six months awarded to him. He does not oppose the prayer made by learned counsel for the appellant.

4. Having perused the impugned judgment of conviction dated 22.08.2023, it is found that conviction has been recorded after proper appreciation of the evidence on record.

5. As such, keeping in view the statement of learned counsel for the appellant; further the fact that appellant has already undergone more than 05 months of his actual custody; he is not involved in any other criminal case; he has already deposited fine of ₹3000/-, it is considered that the period already undergone by the appellant is adequate enough to meet the ends of justice, As such, the impugned judgment of conviction dated

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22.08.2023 and order of suspension dated 25.08.2023, qua the quantum of sentence, passed by learned Additional Sessions Judge, Karnal, is hereby modified. Appellant is sentenced to imprisonment for the period already undergone by him.

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

(SANJIV BERRY)
JUDGE

22.12.2023
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |