

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRA-S-3662-2023 (O&M)
Date of Decision: 22.12.2023

MARUF ... APPELLANT

Versus

STATE OF HARYANA ... RESPONDENT

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

Present:- Mr. Akshay Kumar Dahiya, Advocate,
for the appellant.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

1. Instant appeal has been preferred against the judgment of conviction and order of sentence dated 12.10.2023, passed by learned Additional Sessions Judge/Special Judge, Panipat, whereby the appellant had been convicted and sentenced in case FIR No. 209 dated 30.10.2020 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, (for short, 'the NDPS Act') registered at Police Station Sanoli, Panipat, for keeping in his conscious possession of 6 gram of *heroin*. Applicant-appellant was sentenced as under: -

Name of convict	Section	Period of sentence and fine imposed	Period of sentence in default of payment of fine.
Maruf	21 of the NDPS Act	RI for 06 months with a fine of Rs. 10,000/-	R.I. for 01 month

2. Feeling aggrieved by the aforesaid conviction and sentence, instant appeal was filed which was admitted on 12.12.2023. However, learned counsel for the appellant limited his prayer to modify the order of sentence dated 12.10.2023, so as to sentence the appellant for the period already undergone by him.

3. Learned State Counsel has produced the custody certificate dated 22.12.2023 to contend that the appellant has already undergone more than 04 months out of the total sentence 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 12.10.2023, 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 04 months of his actual custody; he is not involved in any other criminal case, 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 and order of suspension dated 12.10.2023, qua the quantum of sentence, passed by learned Additional Sessions Judge/Special Judge, Panipat, 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