



217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-245-2024 (O&M)
DECIDED ON: 30.05.2024

BEERO DEVI AND ANOTHER

.....APPELLANTS

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. D.S. Virk, Advocate
for the appellants.

Mr. Surender S. Pannu, Addl. A.G. Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. Learned counsel for the appellants has submitted that the main appeal be taken up for final hearing, as he does not want to challenge the conviction of the appellants on merits.

2. The instant appeal has been preferred by appellants namely Beero Devi and Ravi Ram, challenging the judgment of conviction and order of sentence dated 22.12.2023 whereby, they have been convicted and sentenced to undergo RI for a period of 2 years along with fine of Rs.35,000/- each and in default thereof, to further undergo RI for a period of six months for commission of an offence punishable under Section 21(b) of the NDPS Act, 1985, passed by learned Special Judge, Kaithal.

3. At the very outset, learned counsel for the appellants contends that he does not want to challenge the conviction of the appellants on merits.

However, he submits that in view of the circumstances of the case, the sentence



awarded by the trial Court is on higher side.

4. Here it would be pertinent to mention that the appellant did not challenge his conviction on merits and only confined his relief qua quantum of sentence. This Court has also scrutinized the impugned judgment as well as the relevant documents/evidence and is of the considered view that there is no scope for any interference in impugned judgment as far as the conviction of the appellant is concerned. As such, the conviction of the appellants is upheld.

5. As far as quantum of sentence is concerned, there are mitigating circumstances to take a lenient view in the matter of sentence awarded by the trial court. Apart from the fact that the appellants have already faced the agony of law since the date of registration of FIR, appellant No.1 is having two sons and one daughter and both are dependent upon her and appellant No.2 is a young boy of 24 years of age and is not a previous convict. The appellant No.1- Beero Devi has already undergone the actual sentence for a period of 4 months and 21 days and appellant No.2-Ravi Kumar has already undergone the sentence for a period of 6 months and 8 days, as of now, out of total substantive sentence of 2 years, as is evident from the custody certificate filed by learned State counsel today in Court. Thus, this court is of the considered view that a chance be given to the appellants to reform & improve them; to become a good citizen; and to lead a peaceful & harmonious life.

6. Taking into consideration the above narrated discussion as well as the fact that the appellants have not challenged their conviction on merits, while affirming their conviction, the order of sentence is modified to the extent to the period already undergone by them with no change in fine clause.

7. With the aforesaid modification in the quantum of sentence, the



present appeal stands disposed off.

8. The appellants are ordered to be released forthwith in case they are not required in any other case.

9. In view of above, the application i.e. CRM-13872-2024 seeking suspension of sentence of the applicant/appellant N.2 is dismissed being not pressed.

30.05.2024
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(SANDEEP MOUDGIL)
JUDGE

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