

**234 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRA-S-3358-SB-2015
Date of Decision: 18.04.2024**

U.T. Chandigarh ...Petitioner
vs.
Geeta ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. J.S.Toor, APP. for U.T., Chandigarh.

N.S.Shekhawat J.

1. The U.T., Chandigarh has filed the present appeal before this Court against the impugned judgment and order of sentence dated 05.05.2015 passed by the learned Judge, Special Court, Chandigarh for its modification to the extent that the sentence imposed upon the respondent/accused may be enhanced.

2. It has been submitted that the respondent was held guilty under Section 20 of the Narcotic Drugs @ Psychotropic Substances Act, 1985 (hereinafter referred to as the NDPS Act), but he was awarded rigorous imprisonment for a period of 15 days only and to pay a fine of Rs.3,000/-, which were on lower side.

3. Learned State counsel submits that in the present case, the prosecution had conclusively proved that the respondent had committed the offence under Section 20 of the NDPS Act, however while awarding the sentence, learned trial Court had shown unreasonable leniency in awarding the

sentence and the respondent was wrongly sentenced to a period of 15 days. Learned State counsel further submits that in fact, the menace of drug trafficking is on the rise in the Union Territory of Chandigarh and such accused should be dealt with sternly. In the present case, respondent was found having the conscious possession of 1 kg of *ganja* and the sentence awarded by the trial Court was highly inadequate.

4. After hearing learned State counsel, I am of the considered opinion that the present appeal deserves to be dismissed.

6. In the present case, the FIR was ordered to be registered against the respondent and she was the sole bread winner of the family. Even the contraband, which had been allegedly recovered from her, was of small quantity and she was a first offender. Even as per the provisions of Section 20 of the NDPS Act, in case involving small quantity, she could be sentenced to the maximum period of one year. Moreover, she was arrested in the present case on 15.02.2014 and had also faced the trial for a period of about one year and 03 months. Even otherwise, now, a period of about 10 years has lapsed since the date of recovery and the prosecution has not shown that the respondent was involved in any other similar activity after her release in May 2015. Thus, there would be no justification in modifying the impugned judgment and order dated 05.05.2015 passed by the learned Special Court, Chandigarh.

7. Thus, finding no merits, the present appeal is ordered to be dismissed.

(N.S.SHEKHAWAT)
JUDGE

18.04.2024.
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No