

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

**2024:PHHC:062663
CRM-44811-2023 in/and
CRA-S-3054-2023 (O&M)
Date of Decision: May 06, 2024**

Amir Lal

... Appellant

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Navneet Singh, Advocate for the appellant.

Mr. Sumit Jain, Addl. A.G., Haryana.

DEEPAK GUPTA, J.(Oral)

Although, the application bearing No.CRM-44811-2023 for suspension of sentence is listed today, but on oral request of learned counsel for the appellant, the main appeal i.e. CRA-S-3054-2023 is taken on Board today itself for hearing.

2. By way of present appeal, the appellant challenged his conviction and sentence as recorded by the Trial Court in case FIR No.76 dated 12.02.2020, registered at Police Station Farakpur, District Yamuna Nagar, under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985. The impugned judgment dated 11.10.2023 passed by learned Addl. Sessions Judge, Yamuna Nagar, would reveal that the appellant has been convicted under Section 20 of the NDPS Act for keeping in his conscious possession 13.5 Kg. of poppy husk. Vide an order dated 12.10.2023, he has been sentenced to undergo rigorous imprisonment for a period of 02 years and also to pay a fine of ₹10,000/- with default sentence of 01 month.

3. Today, statement is made by learned counsel for the appellant, so as to withdraw the appeal against conviction. The limited prayer made by learned counsel for the appellant is to modify the order of sentence and to sentence the appellant for the period already undergone by him. It is pointed out by learned counsel for the appellant that the appellant's age is 75 years; that he has already undergone sentence of 09 months and that he is a first time offender.

4. Learned State counsel has no serious objection to the prayer made by learned counsel for the appellant.

5. In view of the statement made by learned counsel for the appellant, the present appeal against impugned judgment of conviction dated 11.10.2023 is dismissed as withdrawn.

6. Coming to the impugned order of sentence, it is noticed that the age of the appellant has been recorded to be 74 years at the time of registration of the FIR, i.e. April, 2020, which means that by now his age would be 78 years. The custody certificate would reveal that the appellant has already undergone the actual sentence of 08 months and 29 days, i.e. almost 09 months out of 02 years imposed upon him. It is further reported that the appellant is not involved in any other criminal case and thus has clean antecedent.

7. Having regard to the old age of the appellant, the fact that he has no criminal antecedent and that he has almost undergone 09 months of sentence, this Court considers that period of sentence already undergone by the appellant is sufficient to meet the ends of justice. Therefore, the

2024:PHHC:062663
CRM-44811-2023 in/and CRA-S-3054-2023

- 3 -

impugned order of sentence as passed by the Trial Court is modified and the appellant is sentenced to the period already undergone by him. However, the amount of fine shall remain as it is. As such, it is directed that on deposit of fine before the Trial Court concerned, the appellant be released with immediate effect. However, it is made clear that in case, amount of fine is not paid, the appellant will have to undergo default sentence of 01 month as imposed by the Trial Court.

Disposed of.

The pending application(s), if any also stand(s) disposed of.

May 06, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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