

2025:PHHC:053388



S. No. 345

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

CRA-S-328-SB of 2006 (O&M)

Date of Decision: 25.04.2025

Mohinder Paul

.....Appellant

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- None for the appellant.
Mr. Rajiv K. Takkar, DAG, Punjab.

DEEPAK GUPTA, J. (Oral)

Appellant- Mohinder Paul was tried by Ld. Special Court, Barnala in a case arising out of FIR No.24 dated 17.03.1999 under Section 18 of the NDPS Act registered at Police Station Tapa, as he was found in possession of 02 Kg of opium. After trial, the appellant was convicted under Section 18 of the NDPS Act vide judgment dated 10.02.2006 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of four years and to pay fine of ₹5,000/- with default sentence of one year rigorous imprisonment in case of non-payment of fine.

2. Against the abovesaid conviction and sentence, this appeal was filed.
3. Today nobody is appearing on behalf of the appellant. This Court has gone through the impugned judgment of the trial Court and finds that conviction has been recorded after proper appreciation of the evidence on record. This Court does not find any reason so as to interfere in the impugned judgment of conviction and as such, the same is hereby maintained.
4. However as far as the impugned order of sentence is concerned it is noticed that appellant was sentenced for a period of four years' rigorous



imprisonment and to pay fine of ₹5,000/- with default sentence of one year rigorous imprisonment in case of non-payment of fine.

5. Though the custody certificate has not been placed on record but perusal of the order dated 17.02.2006 passed by this Court would reveal that appellant has already undergone sentence of one year and seven months during trial.

6. In the aforesaid facts and circumstances, it will be in the interest of justice, if the period of imprisonment is reduced to the period already undergone by the appellant, instead of sending him behind bars in the company of hardened criminals.

7. Consequently, the present appeal is partly accepted. By maintaining the impugned judgment against conviction, the order of sentence as passed by the trial Court is modified and the appellant is sentenced to imprisonment for the period already undergone by him. As far as fine is concerned, it will remain same.

8. However, it is made clear that amount of fine, if not paid earlier, shall be deposited before learned Chief Judicial Magistrate concerned, within a period of four weeks from today, failing which the appellant will have to carry out the complete sentence as imposed by the trial Court.

Disposed of.

April 25, 2025
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No