



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

203

CRA-S-3208-SB-2010

Date of Decision:-28.03.2025

DALJEET KAUR

.....Appellant

Vs.

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. S.S. Gill, Advocate
the appellant.

Mr. R.K. Takkar, DAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

Appellant was tried by Ld. Special Court, Fatehgarh Sahib in a case arising out of FIR No.151 dated 18.09.2009 under Section 15 of the NDPS Act, 1985 registered at Police Station Fatehgarh Sahib, as she was found in possession of 20 kgs of poppy husk (Chooria Post). After trial, the appellant was convicted under Section 15(b) of the NDPS Act vide judgment dated 08.12.2010 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of ₹2,000/- with default sentence of one month rigorous imprisonment in case of non-payment of fine.

2. Against the abovesaid conviction and sentence, this appeal was filed.

3. Today learned counsel for the appellant stated at the outset that appellant does not press the appeal against the judgment of conviction; and that appellant confines her prayer only against order of sentence. It is submitted that appellant would be satisfied, in case she is sentenced to imprisonment for the period already undergone by her.

4. Learned counsel points out that offence pertains to the year



2009; that appellant was of 47 years at that time; that appellant has already undergone actual sentence of 06 months and 18 days and so, she deserves to be sentenced for the period already undergone by her.

5. Learned State counsel has not seriously objected to the aforesaid prayer.

6. The custody certificate placed on record by the respondent-State would reveal that appellant has already undergone actual custody sentence of 06 months and 18 days. She was of 47 years of age at the time of offence, which had taken place way back in 2009 i.e. 16 years back.

7. 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 her behind bars in the company of hardened criminals.

8. 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 her. As far as fine is concerned, it will remain the same.

Disposed of.

(DEEPAK GUPTA)
JUDGE

March 28, 2025

Pry

Whether Speaking/reasoned	Yes
Whether Reportable	No