

2025:PHHC:050838



S. No. 211

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

CRA-S-341-SB of 2010 (O&M)

Date of Decision:21.04.2025

Smt. Shindo

.....Appellant

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vishal Malik, Legal Aid Counsel for the appellant.
Mr. Rajiv K. Takkar, DAG, Punjab.

DEEPAK GUPTA, J. (Oral)

Appellant- Smt. Shindo was tried by Ld. Special Court, Jalandhar in a case arising out of FIR No.82 dated 18.04.2007 under Section 15 of the NDPS Act registered at Police Station City Phillaur, as he was found in possession of 08 Kg 500 grams of poppy husk. After trial, the appellant was convicted under Section 15(b) of the NDPS Act vide judgment dated 28.01.2010 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of six months and to pay fine of ₹2,000/- with default sentence of 15 days 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 do not press the appeal against the judgment of conviction; and that appellant confine his prayer only against order of sentence. It is submitted that appellant would be satisfied, in case he is sentenced to imprisonment for the period already undergone by her.
4. Learned counsel points out that offence pertains to the year 2007; that appellant was of 51 years at that time; that appellant had already undergone



total sentence of 02 months and 22 days and so, she deserve 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 had already undergone total sentence of 02 months and 22 days. It is revealed further that appellant has no other criminal antecedents. She was of 51 years of age at the time of offence, which had taken place way back in 2007 i.e. 18 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 same.

9. 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 21, 2025
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(DEEPAK GUPTA)
JUDGE

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