

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRA-S-506-SB-2010 (O&M)****Dae of Decision: 12.03.2025****VIDYA DHAR**

... APPELLANT

Vs.

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Argued by:- None for the appellant.

Mr.B.S. Bali, Addl. A.G., Punjab.

DEEPAK GUPTA, J.

Appellant Vidhya Dhar was tried by Ld. Special Judge, Ferozepur in a case arising out of FIR No.2 dated 07.01.2005 under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [for short 'the NDPS Act'] registered at Police Station Khuian Sarwan, Ferozepur, as he was found in possession of 15 Kg of poppy husk. After trial, the appellant was convicted under Section 15 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 3 years and to pay fine of ₹20,000/- with default sentence of 03 month 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 3 years and to pay fine



of ₹20,000/- with default sentence of 03 month rigorous imprisonment in case of non-payment of fine for keeping in possession of 15 Kg poppy husk.

5. The custody certificate placed on record by the respondent-State would reveal that appellant has already undergone actual custody sentence of 06 month and 24days. Custody certificate further indicates that appellant is not involved in any other criminal case. Although the appellant has not placed on record any affidavit in terms of order dated 23.01.2024 but custody certificate does not indicate that petitioner is involved in any criminal activity after the impugned conviction.

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 the fine is concerned it will remain the same.

Disposed of.

12.03.2025

Pry

(DEEPAK GUPTA)
JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes</i>
<i>Whether reportable?</i>	<i>No</i>