

CRA-S-1664-2024 (O&M)
Date of decision: 04.12.2025

....Appellant

Versus

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Jagmeet Singh Moudgil, Advocate and
Mr. F.S. Virk, Advocate
for the appellant.

Mr. Rahul Jindal, AAG, Punjab.

YASHVIR SINGH RATHOR. J.(Oral)

CRM-44742-2025

Learned counsel for the applicant-appellant submits that he does not wish to press the present application.

In view of the statement made by counsel for the applicant-appellant the present application stands dismissed as not pressed.

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1. On the oral request of learned counsel for the appellant, the main case is taken up on board today itself.
2. The present appeal is directed against the judgment dated 20.02.2024 passed by learned Special Court, Patiala vide which the appellant was held guilty and convicted for the offence under Section 22 of NDPS Act and has been sentenced to undergo rigorous imprisonment for a period of two years and six



months and he has also been held liable to pay fine of Rs.20,000/-. In case of default of making payment of fine, he has been directed to undergo rigorous imprisonment for a period of three months.

3. Feeling aggrieved, the appeal in hand was instituted. Learned counsel for the appellant and learned State Counsel have been heard and material on file has been perused.

4. At the very outset, learned counsel for the appellant contended that he does not press the appeal on merits and has prayed for taking a lenient view on the question of sentence. Learned counsel further contended that appellant is the first offender and is not a previous convict and out of the substantive sentence of two years and six months awarded to the appellant by the learned trial Court, he has already undergone sentence of 02 years and 24 days. Learned counsel next contended that the sentence awarded to the appellant may kindly be reduced to the period already undergone by him and he undertakes not to repeat the offence in future.

5. Learned State counsel has opposed the prayer and has argued that no lenient view is warranted in view of the gravity of the offence and the manner in which the same was committed and he prayed that appeal in hand be dismissed.

6. The custody certificate placed on record by the respondent-State reveal that appellant has already undergone sentence of 02 years and 24 days. The appellant is not a previous convict and is the first offender and learned counsel for the appellant has undertaken that the appellant will not repeat the offence and will maintain peace and harmony in the society and in these circumstances, taking into consideration the fact that he is not a previous convict, I am of the considered opinion that ends of the justice will be met in case he is sentenced to



imprisonment for the period already undergone by him i.e. 02 years and 24 days, instead of sending him behind bars in the company of hardened criminals and it is ordered accordingly. However, the sentence of fine imposed upon the appellant-convict is maintained.

7. The fine, if not already deposited, shall be deposited within a period of one month from today, failing which the modification in the quantum of sentence shall stand withdrawn and the appellant-convict shall undergo remaining period of sentence as awarded by the trial Court.
8. With the aforesaid modification on the question of sentence, the appeal in hand is dismissed.
9. Pending misc application (s), if any, shall also stand disposed of.

04.12.2025
Kusum

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No