

**201 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRA-S-407-SB-2009****Date of Decision: March 10, 2025****Fatti Kaur****... Appellant****Versus**

State of Pujab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**Present:-** Mr. Vijender Kumar Rana, Advocate for
Mr. Kuldeep V. Singh, Advocate for the appellant.

Mr. Surya Kumar, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

Appellant Fatti Kaur was tried by Ld. Judge, Special Court, Barnala in a case arising out of FIR No.163, dated 12.06.2008, under Section 15 of the NDPS Act registered at Police Station Barnala, as she was found in possession of 5 Kg of poppy husk. After trial, the appellant was convicted under Section 15 of the NDPS Act vide judgment dated 12.02.2009 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of 04 months and to pay fine of ₹500/- with default sentence of 01 months 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 states at the outset that appellant does not press the appeal against the judgment of conviction; and that appellant confines his prayer only against the 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 2008; that appellant was young lady of 28 years at that time; that appellant has already undergone actual sentence of 01 month and 16 days and is not involved in any other case 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 01 month and 16 days. It is revealed further that she has no criminal antecedents. Nothing has been brought on record to suggest that after this conviction, appellant has been involved in any other case. She was a young lady of 28 years at the time of offence, which had taken place way back in 2008 i.e. 17 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.

Disposed of.

March 10, 2025

sarita

(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking:

Yes/No

Whether reportable:

Yes/No