

**334 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRA-S-1538-SB-2005****Date of Decision: April 04, 2025****Surinder Kaur****... Appellant****Versus**

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA****Present:-** None for the appellant.

Mr. Rajeev K. Takkar, DAG, Punjab.

**DEEPAK GUPTA, J.(Oral)**

Appellant – Surinder Kaur was tried by learned Judge, Special Court, Jalandhar, in a case arising out of FIR No.117, dated 22.08.2002, under Section 15 of the NDPS Act registered at Police Station GRPS, Jalandhar, as he was found in possession of 20 Kg of poppy husk. After trial, the appellant was convicted under Section 15 of the NDPS Act vide judgment dated 30.08.2005 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹3,000/- with default sentence of 01 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 of 01 year and to pay fine of ₹3,000/- with default sentence of 01 month rigorous imprisonment in case of non-payment of fine for keeping in possession of 20 Kg of poppy husk.

5. The custody certificate placed on record by the respondent-State would reveal that appellant has already undergone actual custody

sentence of 01 month and 29 days. Custody certificate further indicates that appellant is not involved in any other criminal case.

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

8. 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 04, 2025**

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**(DEEPAK GUPTA)  
JUDGE**

Whether reasoned/speaking:

Yes/No

Whether reportable:

Yes/No