

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRA-2286-SB-2004 (O&M)**
Date of Decision: 28.05.2025**PANCHI**

. . . .APPELLANT

Vs.

STATE OF HARYANA

. . . . RESPONDENT

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr.Gopal Sharma, Amicus Curiae, for the appellant.

Mr.R.K.S. Brar, Addl. A.G., Haryana.

DEEPAK GUPTA, J. (ORAL)

Appellant was tried by Ld. Addl. Sessions Judge, Fatehabad in a case arising out of FIR No.201 dated 11.04.2003 under Section 18 of the NDPS Act as he was found in possession of 1 Kg of opium. After trial, the appellant was convicted vide judgment dated 27.09.2004 by the trial Court and for an offence under Section 18(C) read with Section 31 of NDPS Act was sentenced to undergo rigorous imprisonment for a period of five years and to pay fine of ₹25000/- with default sentence of one year 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 does not press the appeal against the judgment of conviction; and that appellant confines 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 him.

4. Learned counsel points out that offence pertains to the year 2003; that appellant has already undergone total sentence of 01 year 05 months and 25 days, he deserves to be sentenced for the period already

undergone by him.

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 total sentence of 01 year 05 months and 25 days. It is revealed further that he has no criminal antecedents. The offence had taken place way back in 2003 i.e. 22 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 him 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 him. 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.

28.05.2025

Vivek

**(DEEPAK GUPTA)
JUDGE**

<i>Whether speaking/reasoned?</i>	<i>Yes</i>
<i>Whether reportable?</i>	<i>Nos</i>