



328 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-1318-SB-2005

Date of Decision: April 04, 2025

Sharwan

... Appellant

Versus

The State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- None for the appellant.

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

DEEPAK GUPTA, J.(Oral)

Appellant – Sharwan was tried by learned Judge, Special Court, Rohtak, in a case arising out of FIR No.306 dated 20.05.2001 under Sections 18, 20 and 21 of the NDPS Act registered at Police Station City Rohtak, as he was found in possession of 10 grams smack, 4.5 Kg of poppy straw and 15 grams opium. After trial, the appellant was convicted and sentenced as under:-

Sr. No.	Offence	Sentence (R.I)	Fine	Further sentence in case of non-payment of fine
1.	21(b) NDPS Act	03 years	₹5,000/-	R.I. for 03 months
2.	15(b) NDPS Act	03 years	₹5,000/-	R.I. for 03 months
3.	18(a) NDPS Act	03 months	₹1,000/-	R.I. for 01 month

All the sentences were directed to run concurrently.

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 03 years and to pay fine of ₹11,000/- with default sentence of 03 months rigorous imprisonment in case of non-payment of fine for keeping in possession of 10 grams smack, 4.5 Kg of poppy straw and 15 grams opium.

5. The custody certificate placed on record by the respondent-State would reveal that appellant has already undergone actual custody sentence of 09 months and 20 days. Custody certificate further indicates that appellant is not involved in any other criminal case. Custody certificate indicates that appellant is not 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 same.

Disposed of.

April 04, 2025

sarita

**(DEEPAK GUPTA)
JUDGE**

Whether reasoned/speaking:
Whether reportable:

Yes/No
Yes/No