



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

207

CRA-S-723-SB-2010 (O&M)

Date of Decision:-09.04.2025

Kulvinder Kaur

.....Appellant

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr.Mayank Aggarwal, Advocate, for Mr.G.S. Sandhu, Advocate,
for the appellant.

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

DEEPAK GUPTA, J. (ORAL)

Appellant was tried by Ld. Special Court, Karnal in a case arising out of FIR No.368 dated 31.08.2005 under Section 15 of the NDPS Act registered at Police Station Assandh, as he was found in possession of 04 kg of Poppy Husk. After trial, the appellant was convicted under Section 15 of the NDPS Act vide judgment dated 15.03.2010 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of 10 months and to pay fine of ₹5,000/- with default sentence of one month 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



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2005; that appellant was of 44 years at that time; that appellant has already undergone actual sentence of 01 month and 25 days and is not involved in any other case and so, 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 actual custody sentence of 01 month and 25 days. It is revealed further that he has no criminal antecedents. He was 44 years of age at the time of offence, which had taken place way back in 2005 i.e. 20 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.

**(DEEPAK GUPTA)
JUDGE**

April 09, 2025

Pry

Whether Speaking/reasoned
Whether Reportable

Yes
No