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

**CRA-S-1152-2025 (O&M)
Date of decision: 04.04.2025**

MANJIT SINGH

....Appellant.

Versus

STATE OF PUNJAB

...Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Varinder Singh Rana, Legal Aid Counsel for the appellant.
Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

CRM-13935-2025 and 13936-2025

1. Aforesaid applications for stay of recovery of fine and suspension of sentence respectively, are not pressed at this stage, as the learned counsel for the applicant-appellant is ready to argue appeal on merit.

2. Accordingly both the applications stand disposed of as not pressed.

Main case

1. Instant appeal has been preferred against the judgment of conviction dated 14.02.2025 and order of sentence dated 18.02.2025, passed by learned Special Court, Mansa, whereby the appellant had been held guilty in case FIR No.65 dated 11.07.2017, under Section 22 of the NDPS Act

registered at Police Station Jhunir, District, Mansa. The appellant was convicted and sentenced as under: -

Name of convict	Offence	Period of sentence and fine imposed	Period of sentence in default of payment of fine.
Manjit Singh	22(a) of NDPS Act	RI for 06 months with a fine of ₹ 5000/-	RI for 02 month.

2. Feeling aggrieved by the aforesaid conviction and order of sentence, appellant has preferred the present appeal.

3. It has been *inter alia* contended by learned counsel for the petitioner at the very outset that the petitioner does not challenge the finding recorded by the learned trial Court in the conviction dated 14.02.2025 and order of sentence dated 18.02.2025, passed by learned Special Court, Mansa but his only limited prayer is for seeking modification of the order of sentence dated 18.02.2025 passed by the learned trial Court (supra) by submitting that the petitioner has already undergone 03 months 19 days in custody and petitioner is ready to deposit the fine, as such, he prayed that the period already undergone by the petitioner in custody may be treated as sentence undergone and the impugned order of sentence may be modified accordingly.

4. Learned State Counsel has produced the custody certificate dated 03.04.2025 to contend that the appellant has already undergone 03 months 19 days out of the total sentence of 06 months awarded to him.

5. After hearing the arguments advanced by learned counsel for the parties, it transpires that although the learned counsel for the appellant has not challenged the genuineness of the impugned judgment of conviction

dated 14.02.2025 and order of sentence dated 18.02.2025, passed by learned Special Court, Mansa, and from the perusal of the impugned judgment, it transpires that it is based on correct appreciation of evidence on record and does not suffer from any infirmity so as to call for any interference. As a consequence, the conviction and order of sentence recorded vide judgment dated 08.04.2024, passed by learned Judge, Special Court, Amritsar against the appellant is hereby upheld.

6. Coming to the limited request raised by the learned counsel for the appellant in this case seeking modification of order of sentence dated 18.02.2025, admittedly as per the custody certificate, the appellant has already undergone more than 03 months of actual custody. Therefore, in these circumstances considering the fact that the appellant has already undergone 03 months 19 days of actual custody out of 06 months awarded vide the impugned order of sentence dated 18.02.2025, it is deemed a fit case where order of sentence can be modified, as no minimum sentence is prescribed for the said offence for which appellant has been convicted.

7. Resultantly, in the circumstances of the case, the impugned order of sentence dated 18.02.2025 is modified to the extent that the period of sentence is reduced from 06 months to actual undergone with no change in fine imposed.

8. Therefore, the present appeal is disposed of with the modification in the impugned order of sentence dated 18.02.2025 passed by learned Judge, Special Court, Mansa, thereby reducing the sentence of the appellant to actual undergone by him and to pay fine of ₹5,000/- imposed

vide impugned order dated 18.02.2025. In default of the payment of fine, he has to further undergo rigorous imprisonment for 01 month.

8. Pending application(s), if any, shall stands disposed of.

04.04.2025

**(SANJIV BERRY)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |