

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

**CRA-S-489-2025 (O&M)
DECIDED ON: 15.02.2025**

RAVI KUMAR

.....APPELLANT

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Anas Ahmed, Advocate
 for the appellant.

Mr. Rajiv Verma, DAG Punjab

SANDEEP MOUDGIL, J (ORAL)

1. Though the application seeking suspension of sentence of the applicant/appellant has been listed for hearing today but with the consent of learned counsel for the respective parties, the main appeal i.e. CRA-S-489-2025, which stands admitted vide order dated 13.02.2025 passed by this Court, is taken on board for final hearing.

2. The instant appeal has been preferred by accused Ravi Kumar challenging judgment of conviction and order of sentence dated 29.08.2024 passed by learned Judge, Special Court, Faridkot, whereby the appellant-Ravi Kumar has been sentenced to undergo RI for a period of 1 year along-with fine to the tune of Rs.10,000/- and in default thereof, to further undergo RI for a period of one month for commission of offence under Section 21(b) of NDPS Act, 1985 for having conscious possession of 50 grams of 'heroin' without any

permit or licence.

3. At the very outset, learned counsel for the appellant contends that he does not want to challenge the conviction of the appellant on merits. However, he submits that in view of the circumstances of the case, the sentence awarded by the trial Court is on higher side.

4. Here it would be pertinent to mention that the appellant did not challenge his conviction on merits and only confined his relief qua quantum of sentence. This Court has also scrutinized the impugned judgment as well as the relevant documents/evidence and is of the considered view that there is no scope for any interference in impugned judgment as far as the conviction of the appellant is concerned. As such, the conviction of the appellant is upheld.

5. As far as quantum of sentence is concerned, there are mitigating circumstances to take a lenient view in the matter of sentence awarded by the trial court. The appellant has undergone the actual sentence of 7 months and 20 days out of total substantive sentence of 1 year, as of now, as per the custody certificate of the appellant filed by learned State counsel in Court today. Thus, this court is of the considered view that a chance be given to the appellant to reform & improve himself; to become a good citizen; and to lead a peaceful & harmonious life.

6. Taking into consideration the above narrated discussion as well as the fact that the appellant has not challenged his conviction on merits, while affirming his conviction, the order of sentence is modified to the extent to the period already undergone by him with no change in fine clause.

7. With the aforesaid modification in the quantum of sentence, the present appeal stands disposed off.

8. The appellant is ordered to be released forthwith in case he is not required in any other case.

9. The criminal misc. application i.e. CRM-5935-2025 seeking suspension of sentence of the applicant/appellant is disposed off, as having been rendered infructuous.

15.02.2025

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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No