



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

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CRA-S-2172-SB-2004

Date of Decision.:23.05.2025

Kashmiri Lal

.....Appellant

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ashwani Verma, Advocate for
the appellant.

Mr. R.K.S. Brar, Addl. AG, Haryana.

DEEPAK GUPTA, J. (ORAL)

Appellant Kashmiri Lal was tried by learned Additional Sessions Judge, Panipat in a case arising out of FIR No.112 dated 14.05.2002 under Section 15 of the NDPS Act registered at Police Station Sadar, Tohana. After trial, the appellant Puran Mal was convicted under Section 15(b) of NDPS Act vide judgment dated 16.10.2004 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹10,000/- with default sentence of 03 months 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 2002; that appellant has already undergone total sentence of 02 months and 12 days and is not involved in any other case and so, he deserves to be

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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 Kashmiri Lal has already undergone total sentence of 02 months and 12 days. It is revealed further that he has no criminal antecedents. Nothing has been brought on record to suggest that after his conviction, appellant has been involved in any other case.

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.

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**

May 23, 2025

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No