

(2003) 02 P&H CK 0118

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Revision No. 249 of 1990

Ram Singh

APPELLANT

Vs

The State of Punjab

RESPONDENT

Date of Decision: Feb. 19, 2003

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 401
- Opium Act, 1978 - Section 9

Hon'ble Judges: R.L. Anand, J

Bench: Single Bench

Advocate: Sandeep Mahajan, for the Appellant; M.C. Berry, D.A.G., for the Respondent

Judgement

@JUDGMENTTAG-ORDER

R.L. Anand, J.

I have heard the learned counsel for the parties and with their assistance have gone through the record of the case.

2. Ram Singh petitioner was convicted for the offence u/s 9 of the Opium Act and was sentenced to undergo rigorous imprisonment for 1-1/2 year and to pay a fine of Rs. 1,000/- for allegedly having found in possession of 10 Kgs. of opium without any licence of permit. The charge u/s 9 of the said Act stands proved from the statements of PW1 ASI Bhagwan Singh, PW2 Constable Kabal Singh, PW3 MHC Sukhwinder Singh and PW4 Surinder Kumar. Their testimony has not been shaken in the cross-examination and this aspect of the case has been rightly considered by the Courts below. The recovery is heavy and it is not believable that this heavy recovery would be planted by the Investigating officer from his personal resources. However, this court is inclined to reduce the substantive sentence of the petitioner as the recovery was effected on 11.2.1984 and since then he is suffering the agony of the criminal proceedings.

3. Resultantly, the substantive sentence of the petitioner is hereby reduced to four months. The imposition of fine is not disturbed.
4. With this modification in the matter of sentence, the revision stands disposed of.