

**(2008) 01 P&H CK 0256**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** Criminal Appeal No. 42-SB of 2000

Krishan Lal

APPELLANT

Vs

State of Punjab

RESPONDENT

**Date of Decision:** Jan. 7, 2008

**Acts Referred:**

- Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS) - Section 18

**Citation:** (2008) 24 CriminalCC 377

**Hon'ble Judges:** Kanwaljit Singh Ahluwalia, J

**Bench:** Single Bench

**Advocate:** S.S. Sahu, AAG, for the Respondent

**Judgement**

K.S. Ahluwalia, J.

The present appeal was filed by Krishan Lal appellant through jail. He was convicted and sentenced u/s 18 of the Narcotic Drugs and Psychotropic Substances Act by the Judge, Special Court, Patiala to undergo RI for 10 years and to pay a fine of Rs. one lac, in default of payment of which to further undergo RI for two years.

2. Perusal of the record shows that no body was appointed as amicus curiae for the appellant. However, Sh. J.S. Bhatti, Advocate had filed an application for suspension of sentence of the applicant, which was declined. Thereafter none has followed up the present appeal.

3. Report was called from the Superintendent, Central Jail, Patiala and this Court is aghast to learn that the appellant, who was awarded ten years of sentence has undergone 10 years 3 months and 5 days, as per report furnished to the office by Shri Harjit Singh, Munishi from the office of Superintendent, Central Jail, Patiala.

4. This Court expresses its anguish and pain that the entire actual sentence has been undergone by the appellant when his appeal has come up for final hearing. As the appellant seemed to be a poor person, none has followed his case.

5. I have perused the records and find that there is nothing on merits. Therefore, this Court cannot come to the rescue of the appellant as he was arrested having 3 Kgs of opium in his possession.

6. However, in the facts and circumstances, his sentence for default in payment of fine from two years is reduced to one month. Hence the appellant stands sentenced to ten years and to pay a fine of Rs. one lac, in default to undergo further RI for one month.

7. Since the appellant has undergone 10 years 3 months and 5 days, it is expected that he would be set at liberty, if not required in any other case.

8. Having dismissed the appeal on merits, the only relief given to the appellant is that his sentence in default of payment of fine from two years is reduced to one month.

With this modification, the present appeal stands disposed of.