
(2020) 12 UK CK 0029
In the Uttarakhand High Court
Case No : Criminal Appeal No. 267 Of 2006

Harish Singh Fartiyal

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 11-12-2020

Acts Referred:

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 20

Citation : (2020) 12 UK CK 0029

Hon'ble Judges : N.S. Dhanik, J

Bench : Single Bench

Advocate : Pushpa Joshi, Chetna Latwal, Subhash Tyagi Bhardwaj, V.S. Rathore

Final Decision : Dismissed

Judgement

N.S. Dhanik, J

1. This criminal appeal is preferred against the judgment and order dated 04.12.2006 passed by the learned Sessions Judge, Pithoragarh in Special S.T.

No. 3 of 2005, whereby the learned trial court was convicted the appellant for the offence punishable under Section 20 of the NDPS and sentenced to

undergo four years rigorous imprisonment along with a fine of Rs. 10,000/-. In default of fine, the appellant shall serve further six months

imprisonment.

2. Learned senior counsel for the appellant does not press this appeal on merits. She submits her arguments only on the quantum of sentence. Since

the appellant's counsel does not challenge the conviction, this Court need not go into the merits of the case and, accordingly, the conviction in the

aforementioned offences is maintained.

3. Learned State Counsel does not seriously object to the prayer made on behalf

of the appellant.

4. Learned senior counsel for the appellant submits that the appellant is a poor person and the incident relates back to the year 2004. She further

submits there is no minimum sentence provided for the aforementioned offences. She prays that the substantive sentence, awarded to the appellant,

may be reduced to the period already undergone by him.

5. Considering the submissions of learned counsel for the appellant that appellant is a poor person and the fact that matter relates back to the year

2004, this Court is of the view that the ends of justice would be sub-served. Consequently, the appeal is dismissed on merit. However, it is partly

allowed on the quantum of sentence. The sentence of the appellant is reduced for the offence punishable under Section 20 of the NDPS Act to five

months, adjusting the period already undergone by the appellant. The sentence of fine is enhanced from Rs. 10,000/- to 15,000/-. In default of payment

of fine, he shall serve additional three months imprisonment.

6. The appellant shall surrender before the Court concerned on or before 31.12.2020.

7. The enhanced amount of fine shall be deposited before the trial Court within one month from the date of production of certified copy of this order.

Amount, if any, deposited earlier shall be adjusted. The impugned judgment and order stands modified to the extent indicated above.

8. Let a copy of this judgment and order, along with the LCR be sent back to the Court concerned.