

IN THE COURT OF DHARMINDER PAUL SINGLA,
JUDGE, SPECIAL COURT, JALANDHAR
(UID no.PB0083)

(Under Narcotics Drugs & Psychotropic Substances Act)

CIS Case No.	NDPS-347/2022
CNR No.	PBJL01-012409-2022
Date of Institution	06.10.2022
Date of Decision	22.03.2024

State

Versus

Yadwinder alias Happy son of Baljit Singh resident of village Fatehpur,
PS Sadar, District Jalandhar.

Accused

FIR No. 62 dated 17.05.2022
Under Section 21/61/85 of NDS Act.
P. S. Sadar, District Jalandhar.

Present: Sh. Nikhil Nahar, Addl. Public Prosecutor for the State.
Accused on bail with Sh. J. S. Basra, Advocate.

JUDGMENT

1. Accused Yadwinder alias Happy has been sent to face trial by the police of police station Sadar, District Jalandhar, for offence under Section 21 of the N.D.P.S. Act (here-in-after referred as “Act”) with the allegations that he was found in conscious possession of 05 grams of Heroin, without any permit or license.

Dharminder Paul Singla,
JSC, Jalandhar. Dt. 22.03.2024

2. Brief facts of the prosecution story are that on 17.05.2022 in the area of village Quadianwali to Jagral near cremation ground within the jurisdiction of PS Sadar, District Jalandhar, accused Yadwinder alias Happy was found in conscious possession of 05 grams of Heroin, without any permit or license. Recovery memo and other memos alongwith rough site plan of place of recovery were prepared and statements of witnesses were also recorded. On receipt of report of FSL and after completion of investigation, final report was presented in the court for trial.

3. Upon presentation of final report in the court, complete copies of documents relied upon by prosecution were supplied to the accused, free of costs, as per provisions of Section 207 of Cr.P.C.

4. Finding a prima facie case punishable under Section 21(b) of the Act against accused, he was charged thereunder, to which accused pleaded not guilty and claimed trial.

5. Today, when the case was fixed for prosecution evidence, accused moved an application permitting him to made confessional statement. Accused has been apprised from the fact that if he voluntarily confess the guilt, then his statement may be used against him, but despite this fact accused has shown his willingness to confess his crime. Accordingly, statement of accused was recorded, who has admitted the fact that 05 grams of Heroin was recovered from his possession.

6. In view of the confession so made by the accused, prosecution has proved the guilt of accused, beyond all reasonable doubts and, as such, accused Yadwinder alias Happy is held guilty and convicted for the offence punishable under Section 21(b) of NDPS Act. Let the convict be heard on the point of sentence.

Pronounced in open court:
Dated: 22.03.2024

(Dharminder Paul Singla)
Judge Special Court,
Jalandhar. UID No.PB0083

Quantum on Sentence

Present: Sh. Nikhil Nahar, Addl. P.P. for the State.
Convict in person with Sh. J. S. Basra, Advocate.

7. I have heard learned Additional Public Prosecutor for the State, Learned Counsel for the convict and convict in person. Convict has submitted that he is poor and working as driver. He is having two children, whereas his father has expired. He further submitted that no other case is pending against him and his family is dependent upon him and prayed for mercy on these grounds.

8. From the perusal of conviction slip attached with the file it is apparent that convict is first offender. Therefore keeping in view the recovery effected from the possession of convict, health and age, convict Yadwinder alias Happy is sentenced as under :-

Offence U/Sec.	Sentence
21(b) of NDPS Act.	To undergo R.I for for 23 days (already undergone) and he is also ordered to pay a fine of Rs.10,000/- and in default of payment of fine, the convict shall further undergo Rigorous Imprisonment of 07 days .

Dharminder Paul Singla,
JSC, Jalandhar.Dt. 22.03.2024

9. The period of detention suffered by the convict during the investigation and trial of the case, shall be set off against the period of sentence awarded to them. Case property, if already not disposed of, be destroyed, under rules after expiry period of appeal or revision, if any. Surety of accused shall stands discharged. File be consigned to the Record Room after due compilation.

Pronounced in open court:
Dated: 22.03.2024

(Dharminder Paul Singla)
Judge Special Court,
Jalandhar. UID No.PB0083

rameshchander*

Note:
Dictated directly on Computer
due to paucity of time.

Dharminder Paul Singla,
JSC, Jalandhar.Dt. 22.03.2024

State Vs Yadwinder alias Happy NDPS No. 347-2022

Present: Sh. Nikhil Nahar, Addl. Public Prosecutor for the State.
Accused on bail with Sh. J. S. Basra, Advocate.

Today, case was fixed for prosecution evidence. However, learned counsel for accused moved an application for recording confession of accused in this case and prayed for taking the lenient view and also recording his plea of guilty. Learned APP submitted that he has no objection, if the accused wants to confess his crime. Accordingly, statement of accused has been recorded confessing his guilt.

Vide my separate detailed Judgment of even date, accused Yadwinder alias Happy is convicted and sentenced for offence under Section 21(b) of NDPS Act, as stated therein. Fine paid against proper receipt. Case property, if already not disposed of, be destroyed, under rules after expiry period of appeal, if any. Surety of accused shall stand discharged. File be consigned to the record room after due compilation.

Pronounced in open court:
Dated: 22.03.2024

(Dharminder Paul Singla)
Judge Special Court,
Jalandhar. UID No.PB0083

rameshchander**

Dharminder Paul Singla,
JSC, Jalandhar.Dt. 22.03.2024