

Rajat Goswami @ Baba Vs State of H.P.

Cr. Appeal No. 45 of 2023

23.1.2023

Present: Mr. Vijender Katoch, Advocate, for the appellant/applicant.

Mr. Y.P.S. Dhaulta and Mr. H.S. Rawat, Additional Advocates General, for the respondent.

Notice. Mr. H.S. Rawat, learned Additional Advocate General appears and waives service of notice on behalf of the respondent.

Admit.

Call for the records.

Hearing be expedited.

Cr. M.P. No. 326 of 2023

By way of the present application, applicant has sought suspension of sentence, imposed by the learned Special Judge-II, Kangra at Dharamshala, during the pendency of the trial.

The perusal of the record shows that the applicant has been convicted for the offence punishable under Sections 21 and 22 of the NDPS Act and sentenced to undergo rigorous imprisonment for a period of five years, and to pay a fine of Rs. 50,000/- and in default of payment of fine, he has been further sentenced to undergo rigorous imprisonment for a period of two years, under Section 21 of the Narcotic Drugs

& Psychotropic Substances Act. He has been further sentenced to undergo rigorous imprisonment for a period of 11 years and to pay a fine of Rs. 1,00,000, and in default of payment of fine, he has been sentenced to undergo rigorous imprisonment for a period of three years, for the commission of offence, punishable under Section 22 of the Narcotic Drugs & Psychotropic Substances Act. However, the learned trial Court has ordered that both the sentences shall run concurrently.

The appeal has been admitted for hearing. However, considering the fact that the applicant has been convicted after a full fledged trial, no ground for suspension of sentence is made out. Consequently, the application stands dismissed.

(Virender Singh)
Vacation Judge

January 23, 2023
(Kalpana)