

Rajinder Giri vs. State of HP

Cr Appeal No. 80 of 2024

27.11.2025 Present: Mr. Kulwant Singh Gill, Advocate for the appellant.
Ms. Sharmila Patial, Additional Advocate General, for the respondent.

Cr.MP No. 3189 of 2025

This application has been filed for suspension of sentence of the applicant who has been convicted for commission of offence under Section 20 of ND&PS Act for having been found in possession of commercial quantity of contraband by imposing sentence of rigorous imprisonment for 10 years.

Learned counsel for applicant submits that applicant has suffered more than half of the sentence imposed upon him i.e. 5 years 8 months out of 10 years imprisonment and therefore, he is entitled for suspension of sentence in view of provisions of Section 479 of BNSS.

The plea taken by learned counsel for applicant is misconceived and contrary to law.

No doubt, provision contained under Section 479 of BNSS can also be taken into consideration for suspension of sentence, however, the prayer of learned counsel for applicant is not only misconceived but also contrary to provisions of Section 479 of BNSS because as per their provision, half of sentence shall be of maximum period of imprisonment specified for the offence under the relevant law and maximum period of imprisonment specified for the offence in present case is not less than 10 years, which can be extended upto 20 years and 5 years 8 month is not half of 20 years.

In view of above, present application is dismissed being devoid of merit.

(Vivek Singh Thakur)
Judge

November 27, 2025
(ms)

(Romesh Verma)
Judge