

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).159/2008

(From the judgement and order dated 16/05/2006 in CRLJA No. 709/2001 of  
The HIGH COURT OF UTTARANCHAL AT NAINITAL)

OM PRAKASH

Petitioner(s)

VERSUS

STATE OF UTTARAKHAND

Respondent(s)

(With office report )

Date: 17/07/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. MATHUR  
HON'BLE MR. JUSTICE DALVEER BHANDARI

For Petitioner(s)

Mr. Subhash Sharma, Adv. (A.C.)

For Respondent(s)

Mr. Abhay Prakash Sahay, Adv.  
Mr. Jatinder Kumar Bhatia, Adv.

UPON hearing counsel the Court made the following

ORDER

Leave granted.

Looking to the nature of the offence and the quantity of  
contraband seized from the appellant, we think that ends of justice will  
be met by reducing the sentence of imprisonment from 20 years to 12  
years and that of fine from Rs.2,00,000/- (Rupees two lacs only) to  
Rs.1,00,000/- (Rupees one lac only) and in default of payment of fine,  
to further undergo imprisonment for a period of another six months.

With the aforesaid modification in the impugned judgment  
and order, the appeal is disposed of in terms of the signed order.

(Sukhbir Paul Kaur)  
Court Master

(Vijay Dhawan)  
Court Master

(Signed Order is placed on the file)  
IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1112 OF 2008  
(Arising out of SLP(Crl.)No.159 of 2008)

OM PRAKASH

APPELLANT(S)

Versus

STATE OF UTTARAKHAND

RESPONDENT(S)

ORDER

We have heard learned counsel for the parties.

granted.

This appeal by special leave is directed against the judgment and order dated 16th May, 2006 passed by the High Court of Uttaranchal at Nainital in Criminal Jail Appeal No.709 of 2001 whereby the accused appellant was convicted under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and sentenced to 20 years' rigorous imprisonment and fine of Rs.2,00,000/-. In default of payment of fine, the accused was directed to undergo further three years' rigorous imprisonment.

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Suffice it to say that prosecution has successfully brought the conviction of the accused and we see no reason to take a different view on the basis of the evidence led by the prosecution.

However, looking to the nature of the offence and the quantity of contraband seized from the appellant, we think that ends of justice will be met by reducing the sentence of imprisonment from 20 years to 12 years and that of fine from Rs.2,00,000/- (Rupees two lacs only) to Rs.1,00,000/- (Rupees one lac only) and in default of payment of fine, to further undergo imprisonment for a period of another six months.

With the aforesaid modification in the impugned judgment and order, the appeal is disposed of.

.....J.  
(A.K.MATHUR)

.....J.  
(DALVEER BHANDARI)

New Delhi,  
July 17, 2008