

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1056 OF 2019  
(@ SPECIAL LEAVE PETITION (CRL.) NO. 3265 OF 2019)

R KUMARAVEL

...APPELLANT(S)

VERSUS

INSPECTOR OF POLICE NIB CID

...RESPONDENT(S)

O R D E R

Leave granted.

2. The appellant-accused was convicted under Section 8(c) read with Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and he was sentenced to undergo two years rigorous imprisonment.

3. On 29.09.2006 near Nagathamman Koil back side of Santhome Church, Mylapore, Chennai, the appellant was found to be carrying 2kg of Ganja in a Polythene bag. The appellant-accused was charged with the aforesaid offence under Section 20(b)(ii)(b) of NDPS Act. Upon consideration of the evidence adduced by the prosecution, the Trial Court held that the prosecution has proved the charges against the appellant-accused beyond reasonable doubt and convicted him under Section 8(c) read with 20(b)(ii)(B) of NDPS Act, 1985 and sentenced him to undergo rigorous imprisonment for two years and also to pay fine of Rs.5,000/-.

4. In appeal, the High Court affirmed the conviction as well as the sentence of imprisonment. Being aggrieved the appellant is before us. Notice was issued only limited to the quantum of

sentence.

5. We have heard Mr. Gaurav Agrawal, learned counsel appearing on behalf of the appellant as well as Mr. M. Yogesh Kanna, learned counsel appearing on behalf of the respondent.

6. Section 20 deals with punishment for contravention in relation to cannabis plant and cannabis. As per Section Section 20(b)(ii) and (B) for the involvement of quantity lesser than commercial quantity but greater than the small quantity, the same shall be punishable with the sentence of imprisonment which may extend to ten years and with fine. As per notification "small quantity for Ganja is "1000 gms" and commercial quantity is "20kg". Serial No. 55 of the Notification specifying 'small quantity' and 'commercial quantity' of Ganja reads as under:

Sl.No.	Name of Narcotic Drug and Psychotropic Substance (International Non-proprietary name (INN))	Other Non-Proprietary Name	Chemical Name	Small Quantity (In gm)	Commercial Quantity (in gm/kg)
55.	Ganja			1000	20 kg

In this regard in the present case, the appellant was found to be carrying 2kg of Narcotic Drug/Ganja which is more than the small quantity and lesser than the commercial quantity. As per Section 20(b)(ii) (B) no minimum punishment is prescribed for involvement of the quantity lesser than commercial quantity, but greater than the small quantity.

Learned counsel appearing on behalf of the appellant has submitted that the appellant has no criminal antecedents. The

appellant has already undergone imprisonment for about 206 days. Considering the facts and circumstances of the case, the sentence of imprisonment of two years imposed upon the appellant is reduced to one year.

The appeal is partly allowed in above terms.

.....J.  
[R. BANUMATHI]

NEW DELHI  
15TH JULY, 2019

.....J.  
[A.S. BOPANNA]

ITEM NO.48

COURT NO.7

SECTION II-C

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s). 3265/2019

(Arising out of impugned final judgment and order dated 27-08-2018 in CRLA No. 579/2013 passed by the High Court Of Judicature At Madras)

R KUMARAVEL

Petitioner(s)

VERSUS

INSPECTOR OF POLICE NIB CID  
(IA No. 51157/2019 - EXEMPTION FROM FILING O.T.)

Respondent(s)

Date : 15-07-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI  
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Gaurav Agrawal, AOR  
Mr. Anurag Gharote, Adv.

For Respondent(s) Mr. M. Yogesh Kanna, AOR  
Mr. S. Partha Sarathi, Adv.  
Mr. S. Raja Rajeshwaran, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is partly allowed in terms of the signed order.

Pending application shall also stand disposed of.

(MADHU BALA)  
COURT MASTER (SH)

(NISHA TRIPATHI)  
BRANCH OFFICER

(Signed order is placed on the file)