

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1582 OF 2012
(Arising out of SLP(Crl.) No. 8891 of 2011)

SANJAY CHAUDHARY

Petitioner(s)

VERSUS

STATE OF UTTARANCHAL

Respondent(s)

O R D E R

1. Leave granted.

2. This appeal is directed against the judgment and order dated 05.05.2010 passed by the High Court of Uttarakhand at Nainital in Criminal Appeal No.181 of 2005. By the impugned judgment and order, the High Court has confirmed the orders passed by the learned Additional Sessions Judge/III F.T.C., Nainital convicting the appellant under Section 20 of The Narcotic Drugs and Psychotropic Substances Act, 1985 ("the Act" for short) and has sentenced him to undergo the rigorous imprisonment of 15 years and a fine of Rs.1,50,000/- and in default of payment of fine, to undergo additional rigorous imprisonment of one and a half years.

3. While entertaining the special leave petition, we had issued a notice confined only to the sentence awarded by the Trial Court and confirmed by the High Court.

4. We have heard the learned counsel for the parties to the lis. We have also perused the necessary entries under the Act as well as the relevant section which permits for imposition of punishment and fine.

5. In our opinion, in the facts and circumstances of this case, the punishment of imprisonment awarded by the Trial Court and confirmed by the High Court requires to be modified. Accordingly, we modify the sentence of imprisonment of 15 years to 10 years and maintain the fine imposed by the learned Trial Judge. If, for any reason, the appellant has not paid the fine amount, we direct him to pay the amount of fine forthwith and in default of payment of fine, the appellant will undergo further imprisonment of one and a half years.

6. The appeal is partly allowed in terms of the aforesaid order.

.....J.
(H.L. DATTA)

.....J.
(CHANDRAMAULI KR. PRASAD)

NEW DELHI
SEPTEMBER 28, 2012

ITEM NO.55

COURT NO.7

SECTION II

Petition(s) for Special Leave to Appeal (Crl) No(s).8891/2011

(From the judgement and order dated 05/05/2010 in CRLA No.181/2005, of The HIGH COURT OF UTTARAKHAND AT NAINITAL)

SANJAY CHAUDHARY

Petitioner(s)

VERSUS

STATE OF UTTARANCHAL

Respondent(s)

(With appln(s) for bail and office report)

Date: 28/09/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU

HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Petitioner(s) Ms. Sunita Sharma, Adv. (AC)

For Respondent(s) Mr. Mukesh Verma, Adv.
Mr. Jatinder Kumar Bhatia, Adv.

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

Leave granted.

Appeal is partly allowed in terms of the signed order.

(NAVEEN KUMAR)
COURT MASTER

(VINOD KULVI)
COURT MASTER

(Signed order is placed on the file)