

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.(S). 1228 OF 2015
(Arising out of S.L.P.(Crl.)No.2171 of 2015)

RAPPAI

Appellant(s)

VERSUS

STATE OF KERALA

Respondent(s)

O R D E R

Leave granted.

The High Court has dismissed Criminal Appeal NO.693 of 2004 filed by the appellant herein and while affirming his conviction for an offence punishable under Section 20(B)(ii)(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 upheld the sentence of rigorous imprisonment for a period of two years besides fine of Rs.10,000/- awarded to him by the trial court. In default of payment of fine, he has been sentenced to undergo further imprisonment for a period of one year. The present appeal assails the correctness of the said order.

When the matter initially came up for hearing before us on 27th March, 2015, we had issued notice limited to the question of quantum of sentence awarded to the appellant. We have accordingly heard learned counsel for the parties at some length on that limited question. The quantity of Ganja seized
Signature Not Verified

from the appellant was said to be weighing 1100 grams only,
Digitally signed by
Mahabir Singh
Date: 2015.09.21
15:22:43 IST
Reason:

which does not qualify to be called commercial quantity. There
is no statutory minimum sentence prescribed for the offence

proved against the appellant who is a labourer by profession with no criminal antecedents. In the totality of these circumstances, we are inclined to reduce the sentence awarded to the appellant from imprisonment for a period of two years to

We accordingly allow this appeal in part and to the extent indicated above, in modification of the orders passed by the courts below."

(MAHABIR SINGH)
COURT MASTER

(VEENA KHERA)
COURT MASTER

(Signed order is placed on the file)