

**SUPREME COURT OF INDIA**

Vajja Srinivasu Alias Srinu

Vs.

State of A.P.

(K.T. Thomas and R.P. Sethi JJ.)

04.09.2000

**ORDER**

1. Leave granted.

2. This appeal has been confined to the quantum of sentence. The conviction of the appellant is under Section 20(b)(i) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Narcotic Drugs & Psychotropic Substances Act'). The maximum punishment prescribed thereunder, is rigorous imprisonment for a term which may extend to 5 years and a fine which may extend to Rs. 50,000/-. But the trial court has imposed imprisonment for a term of two years and a fine of Rs. 3,000/-

3. Learned Counsel for the appellant submits that appellant was aged 21 years when the court framed charge against him. As the provisions of Probation of Offenders Act are inapplicable to the offences under the Narcotic Drugs & Psychotropic Substances Act, appellant is disabled from pleading for application of the beneficial provisions of the Probation of Offenders Act. Learned Counsel submits that the said disability will not preclude him from pleading for a lesser sentence, particularly in view of the age factor.

4. Considering all aspects and the fact situation of this case, we think that a sentence of imprisonment of one year will be sufficient to meet the ends of justice. We, therefore, reduce the sentence to rigorous imprisonment for one year. The fine part of the sentence will remain undisturbed. But the default in payment of fine will enure a further period of imprisonment for three months. The appeal is disposed of according.