

**SUPREME COURT OF INDIA**

Adul Salam Yusuf Sheikh

Vs.

State of Gujarat

(K.G. Balakrishnan and Dr. A.R. Lakshmanan JJ.)

07.07.2004

**ORDER**

The Order of the Court is as follows

1. Leave granted.
2. Heard learned counsel for the parties.
3. The appellant was found guilty for the offence punishable under Section 22 of the *Narcotics Drugs and Psychotropic Substances Act, 1985* and was sentenced to undergo rigorous imprisonment for a period of twelve years and to pay a fine of rupees one lakh, in default of fine to undergo further imprisonment for one year. The counsel for the appellant submits that in view of the amendment of the provision, for keeping in possession of smaller quantity, lesser punishment could have been awarded. But this is not applicable to the appellant as the appeal was pending at the time of commencement of the amended provision. The appellant was found in possession of 430 grams of 'Charas' and it is submitted that he has undergone imprisonment for fairly long period.
4. Having regard to the facts and circumstances, we hold that the imprisonment of 10 years would be sufficient to meet the ends of justice. Therefore, we reduce the sentence of imprisonment from 12 years to 10 years. As regards fine we do not interfere with the same.
5. The appeal is accordingly disposed of.