

# **SUPREME COURT OF INDIA**

Mukesh Kumar

Vs.

State of M.P. (Now Chattisgarh)

CrI.A.No.2569 of 2014

(T.S.Thakur and Adarsh Kumar Goel JJ.)

12.12.2014

## **JUDGMENT**

### **ADARSH KUMAR GOEL J.**

1. Leave granted.
2. This appeal by special leave has been preferred against the final judgment and order dated 28th October, 2013 of the High Court of Chattisgarh at Bilaspur in Criminal Appeal No.1788 of 1997.
3. The appellant has been convicted under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and sentenced to undergo rigorous imprisonment for six months and to pay a fine of Rs.2,000/- , in default, to further undergo rigorous imprisonment for two months.
4. Case of the prosecution is that the appellant was found carrying Cannabis (Ganja) in Scooter bearing Regn. No.BR-16-C/8598. On search conducted in accordance with the statutory provisions the contraband to the extent of 500 grams was recovered from the dicky of the Scooter. After completing the procedural requirements and receiving the report of the Forensic Science Laboratory confirming that the sample of the contraband was Ganja, the accused was sent up for trial. The case of the prosecution was held to have been duly proved by the evidence led before the Court. The trial

Court convicted and sentenced the appellant as above. The same has been affirmed by the High Court.

5. When the matter came up before us for hearing on 17th November, 2014, notice was issued limited to the question of sentence having regard to the submission made on behalf of the appellant that the appellant had already undergone about four months of sentence out of six months awarded to him and in the peculiar facts and circumstances of the case, some reduction in sentence was called for. Accordingly, we have heard learned counsel for the parties on the question of sentence.

6. Having regard to the totality of circumstances, we are of the view that ends of justice will be met if the sentence awarded to the appellant is reduced to the period of sentence already undergone. Ordered accordingly.

7. Since the appellant is in custody, he may be released forthwith unless required in connection with any other case.