

Cr. Appeal No. 493 of 2003

31.12.2012	Present:	Mr. Ashwani Pathak, Advocate, for the appellant.
		Mr. G.N. Verma, Advocate, for the respondent-accused.

Accused Jeet Ram has been produced by Head Constable Yogesh Kumar, No. 1, Police Station Theog.

2. We have heard Mr. G.N. Verma, learned counsel for the accused as well as the accused on the quantum of sentence. The accused is stated to be 57 years old. He has a wife and two children to support. It is also stated that he is a *Pujari* in a temple. We are also not oblivious of the fact that the offence in question was committed in the year 2001 and 11 years have elapsed. Though these facts have to be taken into consideration, however, we cannot lose sight of the fact that we have found the accused guilty of having committed an offence punishable under Section 20 of the NDPS Act and he was found to be in possession of 13 Kgs. of *charas*. The offence is serious and causes problem in society. While considering the quantum of sentence, we have to balance the problems faced by the accused as well as what effect the sentence will have on the society. The sentence must not be only punitive but should also be deterrent to send a message to the similar offenders.

3. Keeping in view the facts and circumstances of the case, we direct the accused to undergo rigorous imprisonment of 15 years and to pay a fine of ₹2 lacs and in default of payment of fine, the accused shall also undergo further imprisonment for one year. Needless to say that the period of imprisonment already undergone by

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the accused, shall be taken into consideration and set off the period of sentence imposed upon him.

4. A copy of this order as well as certified copy of the judgment, dated 11.12.2012 be made available to the accused during the course of the day.

**(Deepak Gupta),
Judge**

**(Rajiv Sharma)
Judge**

December 31, 2012.
(bhupender)