

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl. A. No. 1/2014

Date of Order: 30.11.2021

Shri. Ramdinsanga & Ors.

Vs.

Union of India & Anr.

Coram:

Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant (s) : Mr. MF Qureshi, Adv.

For the Respondent (s) : Dr. N. Mozika, ASG with
Ms. T. Sutnga, Adv.

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| i) | Whether approved for reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication in press: | Yes/No |

JUDGMENT: (per the Hon'ble, the Chief Justice) (Oral)

The appeal arises out of a judgment and order of conviction dated January 07 and 08, 2014. The Special Judge under the NDPS Act at Shillong convicted the appellants under Section 22 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and sentenced them to rigorous imprisonment for a period of ten years each in addition to a fine of Rs. 1,00,000/-.

2. The appellants have also been convicted under Section 29 of the Act and gain sentenced to rigorous imprisonment for a period of ten years on such counts with the sentences running concurrently.

3. Much is sought to be made out on behalf of the appellants that there was not adequate material to render a finding of guilt against them and that, in any event, it was nobody's case that the appellants master-minded the transaction or owned the contraband that was allegedly seized from their possession.

4. However, it may not be relevant or necessary to dwell on the disputed questions of fact or the grounds urged on behalf of the appellants since the appellants have served out nearly nine and a half years out of the

maximum time of the tenures and may, in the usual course, be entitled to some form of remission.

5. Accordingly and without prejudice to the rights and contentions of the parties, the sentences are modified in either case and reduced to the tenure already served and the appeal is disposed of accordingly by requesting the State to ensure that the appellants are released as expeditiously as possible upon being recorded that they have served out the sentences as modified herein.

6. In the light of the long sentences already suffered, the additional punishment for penalty imposed does not appear to be justified, particularly, since the facts reveal that the appellants may only have been the carriers or mules in the transaction and not the master-mind thereof.

7. CrI. A. No. 1 of 2014 stands disposed of.

(W. Diengdoh)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
30.11.2021
"Santosh, P.S."

