

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 926 OF 2004

PRAGAT SINGH

.....

APPELLANT

VERSUS

STATE OF PUNJAB

.....

RESPONDENT

O R D E R

1. By this appeal at the instance of the accused-appellant a challenge has been made to the concurrent findings recorded against the appellant by the trial Magistrate, the Sessions Judge in appeal and the High Court in revision whereby his conviction under Section 9 of the Opium Act, 1878 and a sentence of two years along with fine has been maintained. We find that the maximum sentence imposable under Section 9 of the Act ibidem is three years. Undoubtedly, a large quantity of opium i.e. about 9½ kgs. had been seized from the appellant but the implication of a conviction under the Opium Act is far removed from the seriousness of the offence under the Narcotics and Psychotropic Substances Act. In the light of the fact that the incident happened in the year 1979

when the appellant was about thirty years of age which would make him almost 65 years as of now and he has already undergone about one year of the sentence and the agony of legal proceedings for three decades, we deem it appropriate to reduce his sentence to that already undergone by him.

2. With this modification in the sentence, the appeal is dismissed.

.....J
[HARJIT SINGH BEDI]

.....J
[R.M. LODHA]

NEW DELHI
APRIL 06, 2010.



