

**THE HON'BLE SRI JUSTICE RAJA ELANGO**

**CRIMINAL APPEAL No.544 OF 2015**

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**JUDGMENT:**

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This Criminal Appeal under Section 374 (2) of the Code of Criminal Procedure (in short 'Cr.P.C.') is filed by appellants-A1 and A2 challenging the judgment, dated 10.03.2015, rendered in S.C.No.6 of 2014 wherein and whereby the learned I Additional District & Sessions Judge, Srikakulam, convicted appellants herein under Section 235 (2) Cr.P.C. and sentenced them to undergo rigorous imprisonment for a period of five years and to pay fine of Rs.10,000/- each, in default, to suffer simple imprisonment for a period of three months for the offence punishable under Section 20 (b)(ii)(B) of N.D.P.S. Act, 1985.

Heard.

After arguing for sometime, the learned counsel for the appellants by not pressing the main prayer confined his arguments only to the extent of imposition of sentence and requested the Court to show some indulgence on the appellants in imposition of sentence.

In view of the said submission, this Court is of the view that merits of the Prosecution case and impugned judgment need not be adjudicated in this appeal.

Taking into consideration the facts that the quantity of ganja found in possession of the appellants herein is of lesser quantity and the appellants also served substantial period of imprisonment, this Court is of the view that a lenient view can be taken towards appellants in imposition of sentence.

Therefore, while confirming the conviction imposed on the appellants by the trial Court, the sentence of imprisonment imposed on them is hereby reduced to that of the period already undergone by them in prison.

Remaining portion of the impugned judgment including fine amount imposed on the appellants shall stand confirmed.

With above modification in sentence of imprisonment, the Criminal Appeal is allowed.

Miscellaneous petitions filed in this appeal, if any, shall stand closed.

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***JUSTICE RAJA ELANGO***

Date : 07.09.2015

Note : Issue copy by tomorrow.

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