

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). 472 OF 2017

SURINDER SINGH @ SINDER

APPELLANT(S)

VERSUS

THE STATE OF HARYANA

RESPONDENT(S)

O R D E R

There was no representation on behalf of the appellant in the first round of calling. Even thereafter, when the matter is taken up after passing it over, none appears for the appellant. Since the matter is of the year 2017, we are not inclined to adjourn it any further.

The present appeal has been preferred by the appellant challenging the conviction rendered under Section 15(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act'). The case against the appellant is that he was

found to be in possession of a huge quantity of 4051 kgs of poppy husk. The contraband was recovered from the tractor-trolley parked in a house known as 'Dera of Balkar Singh', on which the appellant was found sitting, as well as from an abandoned well situated in the same premises. The said tractor was registered in the name of the appellant's deceased father, being Balkar Singh. Moreover, the appellant failed to produce any evidence to prove that he was not residing in the premises from which the recovery had been effected.

The Trial Court taking note of the aforesaid facts which are not controverted, was pleased to convict the appellant under Section 15(c) of the NDPS Act. Accordingly, the appellant was sentenced to 12 years of rigorous imprisonment and a fine of Rs.1,50,000/-. The said conviction and sentence was confirmed by the High Court in the impugned judgment.

On a perusal of the impugned judgment, we find that both the Courts have rightly drawn a presumption as to culpable mental state and as to the commission of the alleged offence, as provided under Sections 35 and 54 of the NDPS Act respectively, in view of the undisputed facts pertaining to the recovery made, partly from the appellant's tractor and the remaining from his house.

In such view of the matter, we are not inclined to interfere with the concurrent judgments rendered by both the Courts. However, taking into consideration that the occurrence is of the year 2006 and that the appellant has undergone more than 9 years of his sentence, we are inclined to modify the sentence to 10 years of

rigorous imprisonment which is the minimum sentence provided under Section 15(c) of the NDPS Act. The fine imposed is reduced to Rs.1,00,000/-. In case of default in payment of fine, the sentence imposed by the High Court while confirming that of the Trial Court, shall stand confirmed.

Accordingly, the appeal is allowed in part.

Pending application(s), if any, shall stand disposed of.

.....J.  
[M.M. SUNDRESH]

.....J.  
[RAJESH BINDAL]

NEW DELHI;  
16<sup>th</sup> JANUARY, 2025

ITEM NO.117

COURT NO.9

SECTION II-B

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 472/2017

SURINDER SINGH @ SINDER

Appellant(s)

VERSUS

THE STATE OF HARYANA

Respondent(s)

Date : 16-01-2025 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH  
HON'BLE MR. JUSTICE RAJESH BINDAL

For Appellant(s) Mr. Sushil Kumar Jain, Sr. Adv. (NP)  
Mrs. Chirsti Jain, Adv. (NP)  
Mr. Mann Arora, Adv.(NP)  
Ms. Akriti Sharma, Adv.(NP)  
Mr. Harsh Jain, Adv.(NP)  
Mr. Aslam Naushad, Adv.(NP)  
Mr. Om Sudhir Vidyarthi, Adv.(NP)  
Ms. Pratibha Jain, AOR (NP)

For Respondent(s) Mr. Devendra Kumar Saini, Adv.  
Mr. Samar Vijay Singh, AOR  
Ms. Sabarni Som, Adv.  
Mr. Aman Dev Sharma, Adv.  
Mr. Fateh Singh, Adv.  
Mr. Rajat Sinha Roy, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

The appeal is allowed in part.

Pending application(s), if any, shall stand disposed of.

(SWETA BALODI)  
AR-CUM-PS

(POONAM VAID)  
ASSISTANT REGISTRAR

(Signed order is placed on the file)