

IN THE SUPREME COURT OF INDIA
ORIGINAL JURISDICTION

WRIT PETITION (CRL.) 370 OF 2020

RAM DEO JADAV ...Petitioner(s)

VERSUS

STATE OF WEST BENGAL & ANR. ...Respondent(s)

O R D E R

On 09.01.2003, the petitioner was convicted under Sections 21(C) and 27(A) of the NDPS Act and sentenced to undergo rigorous imprisonment for 20 years under Section 21(C) and 10 years under Section 27(A) of the Act. The petitioner was also directed to pay a fine of Rs.3,00,000/-. In default of payment of fine, the petitioner was directed to undergo imprisonment for one more year. The conviction and sentence were affirmed by the High Court and this Court.

The petitioner has undergone the sentence of 20 years. As the petitioner did not pay the fine amount of Rs.3 lakhs, he has to undergo another one year sentence according to the judgment of the trial Court.

The petitioner has filed this writ petition seeking remission of further sentence which he has to undergo in default of the payment of fine. He has alleged in the writ petition that a representation

preferred by him for remission has gone unheeded as the state did not respond.

Learned counsel for the State of West Bengal submitted that the representation of the petitioner could not be traced. Learned counsel for the petitioner relies upon Section 32A of Narcotic Drugs and Psychotropic Substances Act, 1985, which mandates that no sentence imposed under the Act shall be suspended, remitted or commuted.

Taking into account the fact that the petitioner has undergone a sentence of more than 20 years, we direct that the sentence of one year in default of payment of fine shall stand remitted.

The petitioner is directed to be released forthwith.

The writ petition is, accordingly, allowed. Pending application(s), if any, shall stand disposed of.

.....J.
(L.NAGESWARA RAO)

.....J.
(S. RAVINDRA BHAT)

NEW DELHI;
01st March, 2021.

