

SC no. 418/17
FIR no. 42/17
PS: Special Cell (Lodhi Colony)
u/s 21&29/61/85 N.D.P.S. Act
State Vs. Nand Kishore @ Joshi.

03.05.2018

Present:- Sh. S. K. Kain, learned Addl. PP for the State with IO SI SI Raj Singh and SI Sandeep Kumar.

Accused produced in J.C.

Sh. Gurbax Singh, learned counsel for the accused.

Arguments on charge heard.

It is submitted by learned counsel that accused has been falsely implicated and the actual culprit has been let off. He has referred to page 6 and page 8 of the charge sheet where it is written that both accused persons arrived at Special Cell and that statement of accused persons alongwith CDR of their mobile revealed that accused persons used to involve in drug supply.

Sh. Singh has argued that accused is the only person charge sheeted in this case. The use of word "accused persons" reflects that there was more than one person apprehended by police. Those persons were let off and accused was falsely implicated.

Learned Sh. Singh further argued that accused was actually picked up from Agra, UP and was falsely implicated in this case.

Arguments heard and considered.

It is submitted by learned Addl. PP for the State that there are some typographical mistake in the charge sheet.

As per prosecution case on secret information accused was apprehended with five kilograms of heroin near Metcalf house Hanuman Mandir, New Delhi.

At this stage, there is sufficient material to frame charge against the accused.

Prosecution need to be given an opportunity even if there are some mistakes in the charge sheet/other documents and at this stage accused can not be given benefit of those mistakes before affording an opportunity to the prosecution which is possible during trial only. Accordingly separate charge for the offences punishable under section 21 (c) of the NDPS Act be framed against the accused.

At the request of learned counsel for accused, matter be put up for framing of charge on 04.07.2018.

(Ajay Pandey)
Addl. Sessions Judge -04,
New Delhi District, Patiala House Courts,
New Delhi/03.05.2018