

S.C. No. 7936/2016

DRI Vs. Paramjit Singh Gulati & Anr.

16.01.2019

Present :- Ms. Mala Sharma, Ld. SPP for DRI.

Both accused produced from JC.

Mr. Saurabh Verma, Ld. Counsel for the accused
Paramjit Singh Gulati.

Matter is listed for order on framing of the charge on the additional complaint filed by the DRI. Both accused had tendered their statements dated 19/20.07.12 and 20.07.2012 wherein they disclosed that they had exported a shipment to Canada vide shipping bill no. 9245206 dated 05.06.2012. The consignment contained Ketamine with aggregate weight of 300 Kg. dissolved in tert-butanol kept in 40 drums. The consignment was intercepted by the Canadian authorities. It was found to contain psychotropic substance Ketamine. Letter rogatory was issued to the Canadian authorities. After receipt of the documents and the evidence, the complaint was filed in respect of above mentioned shipment.

I have considered the arguments of Ld. Counsel for the accused and I have perused the record. Complaint has been filed alleging commission of offence u/s. 22 (c), 23, 27A and 29 of NDPS Act. In the main complaint, charge was framed

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against both accused on 05.11.2014 and they have already been charged u/s. 29 of NDPS Act. The charge states that on or before 19.07.2012, they entered into the criminal conspiracy. In the present case, the shipment was sent on 05.06.2012 that is prior to 19.07.2012. Therefore, the charge u/s. 29 of NDPS Act was framed on 05.11.2014 will cover the shipment dated 05.06.2012 and the charge does not require alteration/correction. Both accused were in possession of the psychotropic substance in commercial quantity in contravention to the rules framed u/s. 9 of NDPS Act 1985 and thereby they committed offence u/s. 22(c) read with section 29 of NDPS Act. Further, they exported the said psychotropic substance outside India and thereby committed offence punishable u/s. 23 read with section 29 of NDPS Act 1985. Section 27A of NDPS Act will not apply to the present case as both accused were themselves involved in illegal trafficking of the psychotropic substance. Financing means providing monetary assistance to a third party. It is pertinent to note that in the main complaint also section 27A had been mentioned but no charge was framed under this provision.

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In view of the above discussion prima facie offences u/s. 22 (c) and 23 read with section 29 of NDPS Act are made out against both accused in respect of the consignment dated 05.06.2012 for which the additional complaint has been filed. Accordingly, additional charge is framed against both the accused, to which they plead not guilty and claim trial. Ld. Counsel for accused Paramjit Singh Gulati has requested that matter be listed for P.E. after 08.02.2019. List on **21st, 22nd, 23rd and 25th February 2019** for P.E.

(Rajesh Kumar Singh)
Special Judge-NDPS/ASJ(South)
Saket Courts/16.01.2019