

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).3556/2010

(From the judgement and order dated 21/12/2009 in  
of The HIGH COURT OF GUJARAT AT AHMEDABAD)

CRLA No. 799/2007

ABDUL AAHAD SHAIKH

Petitioner(s)

VERSUS

STATE OF GUJARAT  
(With appln(s) for bail and office report )

Respondent(s)

Date: 24/09/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR  
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s)

Mr. Sanjay Jain,Adv.

For Respondent(s)

Ms. Hemantika Wahi,Adv.  
Ms. Jessal,Adv.

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

Leave granted.  
The appeal is allowed in terms of the signed  
order.

(Ganga Thakur)  
PS to Registrar

(S.S.R. Krishna )  
Court Master

Signed order is placed on the file.  
IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1883 OF 2010  
(Arising out of SLP(Crl.) No.3556/10)

ABDUL AAHAD SHAIKH

Appellant (s)

VERSUS

STATE OF GUJARAT

Respondent(s)

O R D E R

Leave granted.

We had issued notice on the Special Leave Petition on 30th April, 2010, only on the quantum of sentence. The appellant herein, along with several co-accused, were convicted of the offence under Section 20(b) read with Section 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985, and sentenced to 14 years rigorous imprisonment and fine of Rs. 1,50,000/- and in default of payment to undergo further period of two years' simple imprisonment.

Admittedly, the appellant was a driver of the vehicle from which the contraband was said to be recovered. It may be mentioned that the two of the co-accused moved the High Court and were ultimately acquitted of all the charges.

Apart from the allegation that the appellant was in conscious possession of the contraband, being the driver of the vehicle, there is nothing further to connect him with the seized contraband.

-2-

Since his complexity has been proved, he has been rightly convicted, but in our view, the sentence imposed is excessive.

Having heard learned counsel for the respective parties, and having regard to the nature of the role played by the appellant, we allow the appeal to the extent of reducing the sentence of rigorous imprisonment from 14 years to 10 years, which is the minimum sentence in terms of the sections under which the appellant was convicted. Correspondingly, the fine is also reduced from Rs. 1,50,000/- to Rs.1,00,000/- which is also the minimum fine which can be awarded under the said provisions.

The appeal is allowed to the aforesaid extent.

.....J.  
( ALTAMAS KABIR )

.....J.  
( A.K. PATNAIK )

New Delhi,  
September 24, 2010.