

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CRIMINAL APPEAL NO. 1640 OF 2010

THANA SINGH Appellant (s)

VERSUS

CENTRAL BUREAU OF NARCOTICS Respondent(s)
(With office report)

Date: 20/11/2012 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

For Appellant(s) Mr. Sunil Verma, Adv.

Mr. Sapam Biswajit Meitei, Adv.
Mr. Pradeep Kumar Kaushik, Adv.
Mr. Prasoon Kumar Mishra, Adv.
Mr. Sanjay Sharawat, Adv.

For Respondent(s)
State of Karnataka

Ms. Anitha Shenoy, Adv. (AC)

UOI

Mr. P.P. Malhotra, ASG
Mr. J.S. Attri, Sr. Adv.
Mr. R.K. Rathore, Adv.
Ms. Rashmi Malhotra, Adv.
Mr. D.S. Mahra, Adv.
Mr. Yasir Rauf, Adv.
Mr. B.K. Prasad, Adv.
Ms. Priyanka Bharihoke, Adv.
Mr. Shreekant N. Terdal, Adv.
Mr. Anil Katiyar, Adv.

State of Rajasthan

Dr. Manish Singhvi, AAG
Mr. Amit Lubhaya, Adv.
Mr. Irshad Ahmad, Adv.

Rajasthan H.C.

Mr. Sunil K. Jain, Adv.
Mr. Sachin Sharma, Adv.
Mr. Madhur Jain, Adv.

State of Punjab Mr. Ajay Bansal, AAG, Punjab

Mr. Devendra Singh, Adv.
Mr. Kuldip Singh, Adv.
Mr. Gaurav Yadav, Adv.

:2:

Mr. Gunnam Venkateswara Rao, Adv.

Allahabad H.C.

Mr. Ashok K. Srivastava, Adv.

Delhi H.C.

Mr. A.D.N. Rao, Adv.

Ms. Neelam Jain, Adv.

Ms. Mansha Monga, Adv.

Mr. C.D. Singh, Adv.

Ms. Sakshi Kakkar, Adv.

Mr. Ashok Mathur, Adv.

State of
Chhattisgarh

Mr. Atul Jha, Adv.

Mr. Sandeep Jha, Adv.

Mr. D.K. Sinha, Adv.

Mr. G. Prakash, Adv.

Mr. S. Gowthaman, Adv.

Gauhati High Court

Mr. P.I. Jose, Adv.

Mr. Vishwanath Bahuguna, Adv.

State of Bihar

Mr. Gopal Singh, Adv.

Mr. Manish Kumar, Adv.

Mr. Chandan Kumar, Adv.

State of Jharkhand

Mr. Gopal Prasad, Adv.

Mr. Sarbjeet Dutta, Adv.

State of Tripura Mr. Gopal Singh, Adv.

Mr. Rituraj Biswas, Adv.

State of Gujarat Ms. Hemantika Wahi, Adv.

Ms. Pinky Behra, Adv.

Ms. Jesal, Adv.

Ms. Nandani Gupta, Adv.

Mr. Naresh K Sharma, Adv.

State of Meghalaya

Mr. Ranjan Mukherjee, Adv.

Mr. S.C. Ghosh, Adv.

Mr. S. Bhowmick, Adv.

Mr. R.P. Yadav, Adv.

State of Manipur

Mr. Khwairakpam Nobin Singh, Adv.
Mr. Sapam Biswajit Meitei, Adv.

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State of Arunachal
Pradesh

Mr. Anil Shrivastav, Adv.
Mr. Rituraj Biswas, Adv.

State of Assam

Ms. Vartika Sahay Walia, Adv.
for M/s Corporate Law Group

State of Uttarakhand

Mr. Abhishek Atrey, Adv.
Mr. Brijesh Panchal, Adv.

UT of Chandigarh Mr. Jatinder Kumar Bhatia, Adv.-on-record
Mr. Ajai Kumar Bhatia, Adv.

State of Tamil Nadu

Mr. B. Balaji, Adv.
Mr. R. Rakesh Sharma, Adv.
Mr. P.Krishnamoorthy, Adv.
Mr. M. Yogesh Kanna, Adv.
for Mr. S Thananjayan, Adv.

State of Maharashtra

Mr. Shankar Chillarge, AGA
Ms. Asha G Nair, Adv.

Ms. Vibha Datta Makhija, Adv.

State of Mizoram Mr. Pragyan P. Sharma, Adv.

Mr. Heshu Kayina, Adv.
Mr. Gautam Dhamija, Adv.
Mr. P.V. Yogeswaran, Adv.

State of Orissa Mr. Suresh Ch. Tripathy, Adv.

State of West Bengal Mr. Raja Chatterjee, Adv.
Mr. Abhijit Sengupta, Adv.
Mr. Anip Sachthey, Adv.
Mr. Mohit Paul, Adv.
Ms. Shagun Matta, Adv.

Calcutta HC Mr. Jaideep Gupta, Sr. Adv.
Mr.G.S. Chatterjee, Adv.
Mr. Raja Chatterjee, Adv.

...4/-

:4:

State of Nagaland Mr. K. Enatoli Sema, Adv.
Mr. Amit Kumar Singh, Adv.
Mr. Balaji Srinivasan, Adv.

U.T. of Pondichery Mr. V.G. Pragasam, Adv.
Mr. S.J. Aristotle, Adv.
Mr. Prabu Ramasubramanian, Adv.

State of Sikkim Mr. A. Mariarputham, Adv. Gen.
Mrs. Aruna Mathur, Adv.
Mr. Yusuf Khan, Adv.
Ms. Movita, Adv.
for M/s Arputham Aruna & Co., Advs.

State of Haryana Mr. Manjit Singh, AAG
Mr. Tarjit Singh, Adv.
Mr. Kamal Mohan Gupta, Adv.

State of Goa Mr. Siddharth Bhatnagar, Adv.
Mr. Pawan Kumar Bansal, Adv.
for Mr. T. Mahipal, Adv.

State of A.P. Mr. D. Mahesh Babu, Adv.
Mr. Mayur R. Shah, Adv.
Ms. Suchitra Hrangkhawl, Adv.
Mr. Amit K. Nain, Adv.
Mr. M. B. Shivudu, Adv.

H.C. Of A.P. Mr. T.V. Ratnam, Adv.
Mr. Munawwar Naseem, Adv.

State of J & K Mr. Sunil Fernandes, Adv.
Ms. Vernika Tomar, Adv.
Ms. Astha Sharma, Adv.
Mr. Shashank K. Lal, Adv.
Ms. Insha Mir, Adv.

State of Kerala Ms. Bina Madhavan, Adv.

H.C. Of Kerala Mr. T.G.N. Nair, Adv.
Mr. K.N. Madhusoodhanan, Adv.

Mr. Avijit Bhattacharjee, Adv.

Mr. A. Subhashini, Adv.

...5/-

:5:

H.C. Of Bombay Mr. Aniruddha P. Mayee, Adv.
& Gujarat Mr. Charudatta Mahindrakar, Adv.
Mrs. Rucha A Mayee, Adv.

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

Pursuant to our order dated 8th November, 2012, Mr. Ajay Chaddha, presently holding charge of the Director General, Narcotics Control Bureau (NCB), Ministry of Home Affairs and Mr. B.B. Mishra, Deputy Director General (Narcotics), NCB, are present in Court. They have placed before us a submission note indicating the reasons for delay in completion of trial of cases under the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "the NDPS Act"). Some tentative suggestions for remedial action for expediting the trials have also been given in the note. They, however, pray for some more time to furnish further information with regard to all the pending cases instituted by the NCB, specially keeping in mind the ultimate objective of these proceedings, expressed during the course of hearing. Let the said information be furnished on an affidavit on or before 3rd December, 2012.

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Mr. R.K. Gauba, District & Sessions Judge, Saket is also present in Court along with Mr. Dinesh Kumar Sharma, Additional District & Sessions Judge, Saket. Mr. Gauba has placed before us a list of some possible measures for expediting the trial in cases under the NDPS Act.

Having discussed the divergent reasons relating to the delay in trial in NDPS Cases with the said officers and Mr. P.P. Malhotra, the learned ASG, we feel that it would be proper and expedient if these suggestions and/or any other suggestions which the learned Amicus Curiae may feel necessary, be first discussed jointly, along with the representatives of all the departments, with the learned ASG. For this purpose, it is agreed that the Senior Officers of the NCB and Mr. R.K. Gauba, District & Sessions Judge, Saket, who have been requested to

assist this Court, along with the learned Amicus Curiae and representatives of the other departments shall meet at the residential chambers of Mr. P.P. Malhotra, learned ASG on 29th November, 2012 at 6.00 p.m. to discuss the issue threadbare and come out with concrete proposals in this regard for our consideration.

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It is pointed out that cases under the NDPS Act are also being investigated and charge-sheets filed by other agencies, viz., the Central Bureau of Narcotics, the Directorate of Revenue Intelligence (DRI), the Customs and Excise Departments, as also, the Police of the State concerned. In order to have the benefit of the views of the other Departments/agencies, we direct these departments to depute Senior Officers, well conversant with the subject at issue, to join the said meeting. For the said purpose, the office of the learned ASG shall forward a copy of this order to the concerned Departments.

We also feel that the working of all the agencies, engaged in the enforcement of the NDPS Act, needs to be monitored under a Central Nodal Agency under Section 4 of the NDPS Act. Therefore, suggestion, if any, in this behalf shall also be made.

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Officers present in Court today are requested to assist the Court on the next date as well.

Call the matter on 4th December, 2012 as Item No.1 to consider the proposals/suggestions as may be submitted by Mr. P.P. Malhotra, the learned ASG.

| (VINOD LAKHINA)
| COURT MASTER

| | (KUSUM GULATI)
| | COURT MASTER

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