

ITEM NO.116

COURT NO.11

SECTION II-B

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 2333/2010

NABABUDDIN @ MALLU @ ABHIMANYU

Appellant(s)

VERSUS

STATE OF HARYANA

Respondent(s)

Date : 05-10-2023 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA  
HON'BLE MR. JUSTICE PANKAJ MITHALFor Appellant(s) Mr. Jaydip Pati, Adv.  
Mr. Rishi Malhotra, AOR

For Respondent(s) Dr. Monika Gusain, AOR

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

The appellant has been convicted by the Courts for the offence punishable under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "NDPS Act") with the aid of Section 29 of the NDPS Act. The Courts have held that:

- a) the appellant went to the Kurali Police Station on 28.05.2001 and enquired with the Station Superintendent about the parcel containing the contraband and;
- b) the railway receipt in respect of the parcel containing contraband was having name of the appellant as Abhimanyu.

We have perused the statement of the appellant recorded under Section 313 of the Code of Criminal Procedure, 1973 (for short "CrPC"), a copy of which is annexed as Annexure-P2. We find that both the circumstances held against the appellant have not been put

to the appellant in his statement recorded under Section 313 of the CrPC.

Learned counsel appearing for the respondent-State seeks some time to verify from the original record that whether the aforesaid circumstances were put to the appellant in his statement recorded under Section 313 of the CrPC.

Registry to forthwith call for a soft copy of the record of the Trial Court. As soon as the record is received, soft copies of the same be supplied to the learned counsel for the parties.

We, however, make it clear that now the hearing will remain confined to the question whether the aforesaid two important circumstances were put to the appellant in his statement recorded under Section 313 of the CrPC.

List on 08.11.2023 as part-heard matter.

(POOJA SHARMA)  
COURT MASTER (SH)

(AVGV RAMU)  
COURT MASTER (NSH)