

"
Crl.A.No. 1434-1435 OF 1995

Item No. 102

Court No. 9

Section II

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

Criminal Appeal Nos.1434-1435 of 1995@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC

Union of India

Appellant (s)

Versus

Surja Ram & Ors.

Respondent (s)

(With appln. for exemption from filing O.T.)

Dated: 12/11/2002: These matters were called on for hearing today.

CORAM:

HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE H.K. SEMA

For Appellant (s) Mr. NN. Goswami, Sr.Adv.
Mr. YP. Mahajan, Adv.
Mr. PP. Parmeswaran, Adv.

For Respondent (s) Mr. Sushil K. Jain, Adv.
Ms. Anjali Doshi, Adv.
Mr. Ram Ugrah Singh, Adv.

Ms. Sandhya Goswami, Adv.

Ms. Pratibha Jain, Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J
.SP2

After hearing learned counsel for the parties for
about half an hour, the appeals are dismissed.

.SP1

(S.Thapar) (V.P. Tyagi) @@
AA
PS to Registrar Court Master@@
AA

The signed order is placed on the file.

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS.1434-1435 OF 1995@@
EE

Union of India

Appellant (s)

Versus

Surja Ram & Ors.

Respondent (s)

O R D E R@@
EEEEEEEEEE

.....L.....I.....T.....T.....T.....T.....T.....T.....J.....
.SP2

Respondent Nos. 1 and 2 were convicted under Section 20(b)(ii) read with Section 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 by Special Judge for NDPS cases Jodhpur, Rajasthan. Rigorous imprisonment for 10 years and fine of rupees one lac and in default of payment of fine, further rigorous imprisonment for one year was inflicted on them. The conviction and sentence was, however, set aside and respondents were acquitted by the High Court for the reason of non-compliance of Section 42(1) and Section 42(2) of the NDPS Act. Union of India is in appeal on grant of leave.

Under Section 42(2) an officer is required to send a copy of information recorded under the said Section to the immediate official superior.

We have heard learned counsel for the parties. There is nothing on record to show that the concerned Dy.

-2-

Superintendent of Police Shri Mehar Singh complied with the provisions of Section 42(2). We find no infirmity in the impugned judgment. The appeal is accordingly dismissed.

.SP1

.....J
(Y.K. Sabharwal)

New Delhi,
November 12, 2002

.....J
(H.K. Sema)