

ITEM NO.51

COURT NO.2

SECTION IIB

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 (Cr1) No(s).1633/2012

(From the judgement and order dated 16/02/2012 in SCRA No.403/2012,
of The HIGH COURT OF GUJARAT AT AHMEDABAD)

RAJESH HASTIMAL SHAH

Petitioner(s)

VERSUS

ROYAL EXPORTS & ORS.

Respondent(s)

(With appln(s) for stay,vacating stay,impleadment and permission to
file additional documents and office report)
with CRLMP.NO.8288/2012(APPLN. FOR DIRECTIONS)
WITH SLP(Cr1) NO. 2309 of 2012
(With appln.(s)for stay and office report)

Date: 02/04/2012

These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR
HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Petitioner(s)

Mr. Gopal Subramaniam, Sr. Adv.
Mr. Shubhranshu Padhi, Adv.
Mr. Nirnimesh Dube,AOR.

Mr.Rajeev Kr. Singh, AOR.

For Respondent(s)

Mr. P.S. Patwalia, Sr. Adv.
Mr. Rishi Malhotra,AOR.

Ms. Hemantika Wahi, AOR.
Ms. Jesal, Adv.

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

SLP(Cr1.)1633/12

CRL.MP.No.8288 of 2012, has been filed by
the State of Gujarat in SLP(Cr1.)No.1633 of
2012, wherein it has been mentioned that the
sample taken from the export consignment, which
had been sent to the FSL Laboratory, Hyderabad,
has been returned on the ground that the Central
Forensic Science Laboratory, at Hyderabad, did

not have the necessary facilities for undertaking the examination required. In the application, the State of Gujarat, has, therefore, prayed for fresh samples to be taken, and, thereafter, sent for examination by the Forensic Science Laboratory at Delhi, as also at Gandhinagar.

We have heard learned counsel for the petitioner, the State of Gujarat and also the Consignor. We see no reason for a fresh sample to be sent to the Central Forensic Science Laboratory, Gandhi Nagar, since a report has already been furnished by the CFSL Laboratory in Surat, Gujarat.

Accordingly, we direct that a fresh sample of the seized meat, lying at the Cold Storage at Mumbai, be taken within 48 hours and

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be sent to the CFSL, Delhi, which we are informed is under the control of the Central Bureau of Investigation and a report may, thereafter, be sent by the said laboratory to the Court, within 72 hours.

Having regard to the submissions made by Mr.Rishi Malhotra, learned AOR, in respect of SLP(Crl.)No.2309 of 2012, that the consignment has already been exported, let an affidavit be filed to that effect by next Monday.

Let these matters be listed next Monday for further orders, after the 'fresh matters'.

(Sheetal Dhingra)
COURT MASTER

(Juginder Kaur)
Assistant Registrar