

search 56 kgs. Poppy straw was recovered from the motor cycle.

5. After the aforesaid three persons were arrested, they disclosed that the contraband was purchased for respondent herein on payment of Rs.56,000/-. After the charge-sheet was filed and the trial commenced, the respondent filed a petition under Section 482 Cr.P.C.. The learned Judge of the High Court allowed the same.

6. The reasoning that weighed with the High Court was that the only material against the respondent herein was the statement made by the other co-accused persons under Section 27 of the Indian Evidence Act.

7. In our considered opinion, the approach of the High Court is totally perverse and erroneous. When the trial was in progress and the evidence was being led, the High Court could not have entertained the petition under Section 482 Cr.P.C. and quashed the FIR.

8. On that short ground, the appeal deserves to be allowed. The impugned judgment and order of the High Court is quashed and set aside.

9. However, taking into consideration the fact that on account of the order impugned herein, passed by the High Court, the trial was stalled, the learned Trial Judge is requested to expedite the trial.

10. The appeal is, accordingly, allowed.

11. Pending application(s), if any, shall stand disposed of.

.....J
(B.R. GAVAI)

.....J
(VIKRAM NATH)

.....J
(SANJAY KAROL)

NEW DELHI;
FEBRUARY 28, 2023

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

SPECIAL LEAVE PETITION (CRIMINAL).... DIARY NO(S). 10426/2020

(Arising out of impugned final judgment and order dated 04-04-2019
in MCRC No. 47217/2018 passed by the High Court Of M.P. at Indore)

THE STATE OF MADHYA PRADESH

PETITIONER(S)

VERSUS

RAMNIWAS

RESPONDENT(S)

(IA No. 96753/2020 - CONDONATION OF DELAY IN FILING, IA No.
96755/2020 - EXEMPTION FROM FILING O.T.)

Date : 28-02-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE SANJAY KAROLFor Petitioner(s) Mr. Mukul Singh, D.A.G.
Mr. Sunny Choudhary, AOR
Mr. Bittu Kumar Singh, Adv.For Respondent(s) Mr. Smarhar Singh, AOR
Ms. Shweta Kumari, Adv.
Mr. Jai Krishna Singh, Adv.
Mr. Kushal Kumar, Adv.
Mr. Chandra Pratap, Adv.
Mr. Manoj Kumar, Adv.UPON hearing the counsel the Court made the following
O R D E R

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

(NARENDRA PRASAD)
ASTT. REGISTRAR-cum-PS(ANJU KAPOOR)
COURT MASTER (NSH)

(Signed order is placed on the file)