

Cr1.A.No. 1241 OF 1997  
ITEM NO. 105COURT NO.09 SECTION IIA

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO. 1241/1997

State of Gujarat

...  
APPELLANT (S)

VERSUS

Abdul Rashid I.Mansuri

...  
RESPONDENT (S)  
( With Office Report )

Date :18  
03/2004  
This Appeal was called on for hearing today.

CORAM :  
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN  
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Appellant (s)Ms. A.P. Khopde,Adv.for  
Ms. Hemantika Wah,Adv.

For Respondent (s) RR-EX-PARTE

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

Heard the learned counsel for 5 minutes.

The appeal has become infructuous and is disposed of  
in terms of the signed order.

( Y.P.Dhamija )  
AR-cum-PS

( Veera Verma )  
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1241 OF 1997

State of Gujarat

...

APPELLANT (S)

VERSUS

Abdul Rashid I.Mansuri

...

RESPONDENT (S)

O R D E R

The respondent herein Abdul Rashid I.Mansuri was found guilty of offence punishable under section 20(b)(ii) of NDPS Act and section 66 (1)(b) of the Bombay Prohibition Act. For the offence under section 20(b)(ii) of the NDPS Act he was imposed with a minimum sentence of rigorous imprisonment for 10 years and a fine of Rs. One Lac, and rigorous imprisonment for one year for non-payment of fine. He challenged the conviction and sentence before the High Court, but his appeal was dismissed. Thereafter, the respondent filed a Criminal Miscellaneous Application before the High Court praying that a direction be issued to the State that remission may be granted to him ignoring the mandate under section 32-A of the NDPS Act. The learned Single Judge noticed the fact that the respondent had committed the offence prior to commencement of the amended section 32-A of the NDPS Act and therefore the respondent's application for remission could be considered by the State, and the State was directed to consider the case of the respondent for grant of remission without applying section 32-A of the NDPS Act. Aggrieved by such direction, the State has filed this appeal.

The counsel for the State submitted that against the conviction and sentence entered against the respondent, he had filed an appeal before this Court and in that appeal, the respondent was acquitted of all charges and the decision is reported in 2000(2) SCC 513 (Abdul Rashid I.Mansuri Vs. State of Gujarat). As the respondent was acquitted, the question of remission does not arise. This appeal has become infructuous and is disposed of accordingly.

.....J.  
( K.G. BALAKRISHNAN )

.....J.  
( B.N. SRIKRISHNA )  
New Delhi,  
March 18, 2004.