

ITEM NO.101

COURT NO.12

SECTION II-C

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 SCriminal Appeal No(s). 912/2010

THE STATE OF HIMACHAL PRADESH

Appellant(s)

VERSUS

KARUNA SHANKER PURI

Respondent(s)

WITH

WITH

Cr1.A. No. 1062/2011 (II-C)

Cr1.A. No. 1192/2010 (II-C)

Cr1.A. No. 1063/2011 (II-C)

Cr1.A. No. 2207/2010 (II-C)

Cr1.A. No. 1085/2016 (II-C)
(FOR STAY APPLICATION - IA 3686/2014)

Cr1.A. No. 1090/2016 (II-C)

SLP(Cr1) No. 1541/2014 (II-C)
(FOR STAY APPLICATION - IA 4209/2014)Cr1.A. No. 1083/2016 (II-C)
(FOR STAY APPLICATION - IA 3049/2014)SLP(Cr1) No. 1164-1167/2014 (II-C)
(SPECIAL LEAVE PETITION (CRL.) NO. 1164 OF 2014 IS DISMISSED VIDE
THIS COURT'S ORDER DATED 28.10.2016.)

Cr1.A. No. 1092/2016 (II-C)

Cr1.A. No. 1084/2016 (II-C)

Cr1.A. No. 1089/2016 (II-C)

Cr1.A. No. 1088/2016 (II-C)

Cr1.A. No. 1091/2016 (II-C)
(FOR PERMISSION TO FILE ANNEXURES - IA 7509/2015)

Date : 12-09-2018 These matters were called on for hearing today.

CORAM :

**HON'BLE MRS. JUSTICE R. BANUMATHI
HON'BLE MS. JUSTICE INDIRA BANERJEE**

Mr. A.K. Sanghi, Sr.Adv. (A.C.)

For Appellant(s)

**Mr. Abhinav Mukerji, AAG
Ms. Bihu Sharma, Adv.
Ms. Purnima Krishna, Adv.**

Mr. Himanshu Tyagi, AOR

For Respondent(s)

**Mr. Jana Kalyan Das, Sr.Adv.
Mr. Sandeep Devashish Das, Adv.
Mr. Parmanand Gaur, AOR**

**Mr. Mahabir Singh, Sr.Adv.
Ms. Preeti Singh, AOR
Mr. Gagan Deep Sharma, Adv.
Dr. Swati Jindal, Adv.
Mr. Amit K. Nain, Adv.**

**Mr. Ritesh Agrawal, AOR (SCLSC)
Mr. Sohel Rishabh, Adv.
Mr. Tushar J., Adv.**

Ms. Asha Gopalan Nair, AOR

**Mr. Awadhesh Kumar, Adv.
Ms. Nidhi, AOR (SCLSC)**

Ms. Nidhi, AOR (SCLSC)

Mr. Gaurav Sharma, AOR

Mr. Rameshwar Prasad Goyal, AOR

Mr. Dinesh Kumar Garg, AOR

**Mr. Rahul Chitnis, Adv.
Mr. Chander Shekhar Ashri, AOR (SCLSC)**

Ms. Shalu Sharma, AOR

Mr. Sunil Kumar Verma, Adv.

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

This Court in E. Micheal Raj v. Narcotic Control Bureau - (2008) 5 SCC 161 while interpreting Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 held that the rate of purity of drug was decisive for determining quantum of sentence for "small", "intermediary" or "commercial quantity". The correctness of the decision of E. Micheal Raj (supra) has been referred to the larger Bench vide decision in Hira Singh and Another v. Union of India and Another, (2017) 8 SCC 162.

The contention of the respondents-accused in this case is that while giving the Report, the chemical examiner is bound to give the percentage of the resin-charas in the Report as in the case of Heroin 'Purity Test' as held in E. Micheal Raj (supra). This contention is strongly refuted by Mr. Abhinav Mukerji, learned Additional Advocate General appearing for the State of Himachal Pradesh, in view of the larger Bench judgment of the High Court of Himachal Pradesh in State of Himachal Pradesh v. Mehboon Khan in CrI.Appeal NO.763 and connected matters. Mr. Mukerji has submitted that in view of the categorical decision laid down by the larger Bench of the Himachal Pradesh, the question regarding purity test as in the case heroin may not arise in the case of cannabis since it is a totally different substance. Mr. Mukerji has further submitted that so far as the State of Himachal Pradesh is concerned, judgment by the larger Bench of the High Court of Himachal Pradesh in Mehboon Khan (Supra) is followed by the State of Himachal Pradesh. On instruction, he has additionally submitted that the said judgment is also followed across the country.

Since the issue regarding the 'purity of drug' concerning heroin is pending before the Larger Bench, all these matters shall be listed after the decision of the Larger Bench in Hira Singh and Another (supra).

(MAHABIR SINGH)
COURT MASTER

(PARVEEN KUMARI PASRICHA)
BRANCH OFFICER