

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1313/2009

STATE OF PUNJAB

APPELLANT(S)

VERSUS

SANTOKH SINGH

RESPONDENT(S)

O R D E R

The present appeal assails the order dated 30.03.2009 of the Designated Court quashing the proceedings against the respondent under Section 5 of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (hereinafter called 'the Act') along with Section 25 of the Arms Act, 1959.

The submission on behalf of the appellant is that the requirement for sanction under Section 20-A(2) of the Act was introduced in the year 1993 whereas the present occurrence is of the year 1989.

Be that as it may, it is an undisputed fact that the recovery stated to have been made from the respondent was not sealed on the spot. We, therefore, find no reason to take any different view of the matter than that taken by the Designated Court that tampering with the pistol and cartridges stated to have been seized from the respondent cannot be ruled out. We consider the same as sufficient ground not to interfere with the impugned order as we are

satisfied that in the facts of the present case the question of sanction becomes academic if the search and seizure itself has not been conducted in accordance with law.

The appeal is dismissed.

.....J.
[Navin Sinha]

.....J.
[Indira Banerjee]

New Delhi;
August 28, 2019

ITEM NO.107

COURT NO.12

SECTION II-B

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 S

Criminal Appeal No(s). 1313/2009

STATE OF PUNJAB

Appellant(s)

VERSUS

SANTOKH SINGH

Respondent(s)

Date : 28-08-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Appellant(s) Ms. Jaspreet Gogia, AOR
Ms. Mandakini Singh, Adv.

For Respondent(s) Ms. Shipra Ghose, AOR

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

The appeal is dismissed in terms of the signed order.

Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)