

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

Petition(s) for Special Leave to Appeal (Crl.) No. 498-499/2001

(From the judgement and order dated 29/03/2000 in CRLMA 329  
& 330/2000 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

STATE OF U.P. & ANR.

Petitioner (s)

VERSUS

SHIV DAN SINGH & ANR.

Respondent (s)

( With Appln(s). for stay )

Date : 09/07/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH  
HON'BLE MR. JUSTICE S.N. VARIAVA

For Petitioner (s) Mr. A Mariarputham, Adv. for  
Mr. B. Krishna Prasad, Adv.

For Respondent (s) Mr. Udai Umesh Lalit, Adv.

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

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.SP2

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

.SP1

(D.L. Chugh)  
Court Master

(K.K. Chadha)  
Court Master

Signed order is placed on the file

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IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOs.674-675 OF 2001@@  
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(Arising out of SLP (Crl) Nos.498-499 of 2001)

State of UP & Anr.

.... Appellants

VERSUS

Shiv Dan Singh & anr.

....Respondents

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Heard learned counsel for the parties.  
Leave granted.

The impugned order passed by the High Court cannot be sustained on any ground. The High Court ought not to have quashed the proceedings under the NDPS Act by appreciating the evidence collected by the prosecution. It is alleged by the prosecution that Custom Officers have seized charas weighing 706 Kgs (International market value Rs.7.06 crores). Hence, impugned orders passed by the High Court of Allahabad in Criminal Misc. Application Nos.329 of 2000 and 330 of 2000 are quashed and set aside. The trial court is directed to proceed with the matter in accordance with the law without being influenced by any observation made in the impugned order. It would be open to the accused to raise all contentions including the contention that statements recorded under Section 108 of the Customs Act cannot be relied upon for connecting the accused with the crime, before the trial court.

Appeals are allowed accordingly.

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.....J.@@  
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(M.B. SHAH)@@  
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.....J.@@  
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(S.N. VARIAVA)@@  
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New Delhi,  
July 9, 2001