

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

Criminal Appeal No(s). 1290-1291/2005

SATYAJIT HAZARI & ANR.

Appellant(s)

VERSUS

STATE OF ASSAM

Respondent(s)

Date : 04/02/2016 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.Y. EQBAL
HON'BLE MR. JUSTICE ARUN MISHRAFor Appellant(s) Mr. Nikhil Goel, Adv.
Ms. Naveen Goel, Adv.
Mr. Marsook Bafaki, Adv.
For Mrs Sheela Goel, Adv.For Respondent(s) Mr. Navnit Kumar, Adv.
For M/s Corporate Law Group, Adv.UPON hearing the counsel the Court made the following
O R D E R

Criminal Appeal No. 1291 of 2005 in respect of appellant No.2 - Rabindra Singha is disposed of as having become infructuous.

Consequently, if the appellant - Rabindra Singha is continuing in jail, he shall be released forthwith unless required in any other case.

So far as, appellant No.1 - Satyajit Hazari is concerned, although he has completed 9 years of his imprisonment, the question that has been raised in this appeal is pending consideration before a larger Bench.

We defer the hearing of Criminal Appeal No. 1290 of 2005 in respect of appellant No.1 - Satyajit Hazari till the matter is finally decided by the larger Bench.

Cause title be amended accordingly.

[INDU POKHRIYAL]
COURT MASTER[SUKHBIR PAUL KAUR]
A.R.-CUM-P.S.

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS.1290-1291 OF 2005

SATYAJIT HAZARI & ANR.

Appellant(s)

VERSUS

STATE OF ASSAM

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O R D E R

1. These appeals by special leave are directed against the judgment and order dated 2.5.2005 passed by the High Court of Judicature at Gauhati in Criminal Appeal Nos. 71 of 2004 and 85 of 2004, wherein the High Court dismissed the appellants' appeals challenging the order passed by the Special Judge, Cachar, Silchar dated 16.2.2004 in Special Case No. 5/01, wherein the Trial Court convicted the two accused-appellants Satyajit Hazari and Rabindra Singha under Section 20(1)(c) of the NDPS Act for possession of 60 Kg. Of Ganja and sentenced each of them to undergo rigorous imprisonment for 12 years and to pay a fine of Rs.1,50,000/- each, and in default to undergo further imprisonment for one year each.

2. Mr. Nikhil Goel, learned counsel appearing for the appellants, in course of arguments, submitted that Apellant No.2; namely, Rabindra Singha has completed his sentence by remaining in jail for more than 12 years.

3. Hence, the appeal i.e. Criminal Appeal No. 1291 of 2005 in respect of Appellant No. 2 - Rabindra Singha has become infructuous. The same is, accordingly, disposed of as having become infructuous.

4. Consequently, if the appellant - Rabindra Singha is continuing in jail, he shall be released forthwith unless required in any other case.

5. So far as, appellant No.1 - Satyajit Hazari is concerned, although he has completed 9 years of his imprisonment, the question that has been raised in this appeal is pending consideration before a larger Bench.

6. Hence, we defer the hearing of appeal i.e. Criminal Appeal No.1290 of 2005 in respect of appellant No.1 - Satyajit Hazari till the matter is finally decided by the larger Bench.

.....J.
(M.Y. EQBAL)

.....J.
(ARUN MISHRA)

New Delhi,
February 04, 2016