

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. 63 OF 1999

STATE OF GUJARAT

Appellant (s)

VERSUS

GOPAL LAXMAN THAKUR & ANR

Respondent(s)

(With office report )

Date: 03/02/2005 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Appellant(s)

Ms. Hemantika Wahi, Adv.

Mr. Maulik Nanavati, Adv.

Mrs. Sadhana Sandu, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

J U D G M E N T

The appeal is dismissed as not pressed in terms of the signed judgment.

NON-REPORTABLE.

(Sheetal Dhingra)

(Asha Joshi)

Court Master

Assistant Registrar

[Signed judgment is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL Nos.63 OF 1999

STATE OF GUJARAT

Appellant (s)

VERSUS

GOPAL LAXMAN THAKUR & ANR.

Respondent(s)

J U D G M E N T

B.P.Singh,J.

In this appeal by special leave the judgment and order of the High Court of Gu  
jarat

at Ahmedabad in Criminal Appeal No.146/90 dated 27th April, 1998 has been impugned whereby

the High Court allowed the appeal preferred by the respondents and set aside their conviction for

the offence under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985

(hereinafter referred to as 'the NDPS Act').

The crucial finding recorded by the High Court is that the report of the Forensic

Science Laboratory Exhibit 9, Exhibit 11 and Botanical examination report Exhibit 12 as also the

laboratory report as contained in Exhibit 9 discloses that substance found was a poppy capsule

and that it was identified as fragments of poppy capsules. The said description does not identify

the substance found to be opium poppy as defined under Section 2(xvii) of the NDPS Act.

Counsel for the appellant stated that the respondents are not traceable and they have

not even appeared before this Court to defend themselves. He, therefore, does not wish to press

this appeal. This appeal is, therefore, dismissed as not pressed.

.....J.  
(B.P. SINGH)

.....J.  
(B.N. SRIKRISHNA)

New Delhi

February 03, 2005.