

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. 30 OF 2000

UNION OF INDIA AND ANR.

Appellant (s)

VERSUS

KISHAN DAN

Respondent(s)

(With appln(s) for c/delay in filing SLP and office report)

Date: 20/09/2006 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE P.P. NAOLEKAR

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Appellant(s)

Mr. B.B. Singh,Adv.

Ms. Binu Tamta,Adv.

Ms. Sushma Suri,Adv.

Mr. Kumar Rajesh Singh,Adv.

Mr. V.K. Verma,Adv.

For Respondent(s)

Mr. Doongar Singh,Adv.

Mr. V.J. Francis,Adv.

Mr. A. Radhakrishnan,Adv.

Ms. Ritu Bharadwaj,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

Delay condoned.

The appeal is allowed.

[Alka Dudeja]

Court Master

[Om Prakash]

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.30 OF 2000

Union of India and Anr.

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Versus

Kishan Dan

...Respondent(s)

O R D E R

Heard learned counsel for the parties.

Delay condoned.

By the impugned order, the High Court, in appeal,

against the order of conviction, allowed the same and set aside the judgment of conviction rendered by the trial court on the ground that the provisions of Sections 42 and 50 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [for short, 'the Act'] were not complied with. Learned counsel appearing on behalf of the parties are in agreement that according to the decisions of this Court, provisions of neither Section 42 nor Section 50 of the Act shall be applicable to the present case.

{Reference may be made to

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the decisions of this Court in State of Haryana Vs. Jarnail Singh and Ors., 2004 (5) SCC 188 and State of H.P. Vs. Pawan Kumar, 2005 (4) SCC 350}. The High Court has not gone into the merits of the appeal; as such, the matter is fit to be remanded.

Accordingly, the appeal is allowed, impugned order of acquittal set aside and the matter remanded to the High Court to consider and dispose of the appeal on merits in accordance with law after giving opportunity of hearing to the parties.

.....J.

[B.N. AGRAWAL]

.....J.

[P.P. NAOLEKAR]

.....J.

[LOKESHWAR SINGH PANTA]

New Delhi,

September 20, 2006.