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ITEM NO.104

Court No.5

SECTION IIB

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). 2313 OF 2010

ASHIQHUSSAIN HAJI G.M.C@A.GHANAVALA

Appellant (s)

VERSUS

STATE OF GUJARAT AND ANR

Respondent(s)

(With office report)

WITH CRL. APPEAL NO. 2314 of 2010  
(With office report)

CRL. APPEAL NO. 2315 of 2010  
(With office report)

CRL. APPEAL NO. 2316 of 2010  
(With office report)

SLP(CRL.) NO. 8628/2012  
(With appln(s) for c/delay in filing SLP and exemption from filing O.T. and  
bail and office report)

Date: 18/07/2013 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN  
HON'BLE MR. JUSTICE S.A. BOBDE

For Appellant(s)

Mr. Sanjay Jain,Adv.

Ms. Aparna Bhat, Adv.(SCLSC)

For Respondent(s)

Mr. K. Radhakrishnan, Sr. Adv.  
Ms. Hemantika Wahi,Adv.  
Ms. Nandani Gupta, Adv.  
Ms. Shubdha Deshpande, Adv.

Mr. Shreekant N. Terdal, Adv.

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

Delay condoned in SLP(Crl.) No. 8628/2012.  
Leave granted.

The matters stand disposed of in terms of the signed order.

	(DEEPAK MANSUKHANI)		(M.S. NEGI)	
	Court Master		Court Master	

(The signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s). 2313 OF 2010

Ashiqhussain Haji Gulam Mohmad  
Chawala @ Ashiq Ghanavala                      Appellants

Versus

State of Gujarat & Anr.                                      Respondents

WITH

CRIMINAL APPEAL NO. 2314 OF 2010

CRIMINAL APPEAL NO. 2315 OF 2010

CRIMINAL APPEAL NO. 2316 OF 2010

CRIMINAL APPEAL NO. 979 OF 2013  
(ARISING OUT OF SLP(CRL.) NO. 8628/2012)

O R D E R

1. Delay condoned in SLP(Crl.) No. 8628/2012. Leave granted.
2. Heard learned counsel for the parties and perused the record.
3. These appeals have been preferred against the common

judgment and order dated 10.5.2010 passed by the High Court of Gujarat at Ahmedabad in Criminal Appeal No. 2550 of 2008 modifying the conviction and sentence awarded by the trial court dated 19.2.2008 passed in NDPS Case No. 4 of 2002, by which and whereunder the appellants had been found guilty under the various

provisions of Narcotic Drugs and Psychotropic Substances Act, 1985 and awarded the sentence of imprisonment for life and to pay a fine of Rs. 1,00,000/- each, and in default of payment of fine, to undergo further RI for a period of two years each.

4. This court while entertaining the petition vide order dated 13.8.2010 issued a notice limited to the question of quantum of sentence only. In view of the above, there is no occasion for us to enter into the merits of the case as notice had been issued limited to the quantum of punishment.

5. After hearing both the parties, we are of the view that it will meet the ends of justice if the sentence awarded to the appellants in all the matters is reduced to 15 years. Accordingly, the sentence of appellants in all the matters is reduced to 15 years.

With these observations, all the matters stand disposed of.

.....J.  
(Dr. B.S. CHAUHAN)

.....J.  
(S.A. BOBDE)

NEW DELHI  
JULY 18, 2013.