

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

Petition(s) for Special Leave to Appeal (Crl)... 2011
CRLMP.NO(s). 18092

(From the judgement and order dated 07/06/2010 in CRLA No.
1169/2004 of The HIGH COURT OF MADRAS)

THE INTELLIGENCE OFFICER (UOI) Petitioner(s)

VERSUS

M.A.JAFFAR ALI Respondent(s)

(c/delay in filing SLP)

Date: 23/09/2011 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE J.M. PANCHAL
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Mr. Mohan Jain, ASG
Mr. D. K. Thakur, Adv.
Ms. Jaspreet Aulakh, Adv.
Mr. Karthik Ashok, Adv.
Ms. Sukhbeer Kaur Bajwa, Adv.
Mr. Sarbjeet Y. Sharma, Adv.
Mr. Shreekant N. Terdal, Adv.

For Respondent(s)

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

The learned counsel for the petitioner contends that in view of the confessional statement of the respondent recorded under Section 67 of the NDPS Act, the judgment delivered by the High Court deserves to be set aside. This plea has no substance. The statement cannot be relied upon for the simple reason that neither the person of the respondent nor the baggage of respondent was searched at the Airport itself in presence of Airport Authorities or any other independent witness. No statement of the respondent

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under Section 67 of the NDPS Act was recorded at the Airport but his statement was recorded at NCB office. Therefore, the High Court has rightly doubted the veracity of the statement. Further no evidence is led to establish that the provisions of Section 50 were complied with. Moreover, the mahazar witnesses were only police personnel. The evidence led by the prosecution has not inspired the confidence of the High Court. Under the circumstances, this Court is of the opinion that no case is made out to interfere with the impugned judgment. Therefore, the Special Leave Petition fails and is dismissed both on the ground of delay as well as on merits.

(Neetu Sachdeva)
Sr. P. A.

(Sneh Bala Mehra)
Court Master