

T

SLP(Crl.)No. 1176 OF 2004  
ITEM No.30

Court No. 7

SECTION IIA  
A/N MATTER

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.) No. 1176/2004

(From the judgement and order dated 08/05/2003 in CRLA 220/99  
of The HIGH COURT OF GUJARAT AT AHMEDABAD)

ABDUL SALAM YUSUF SHEIKH

Petitioner (s)

VERSUS

STATE OF GUJARAT

Respondent (s)

( With Appln(s). for c/delay in filing SLP and bail and exemption from filing O.T. and permission to file Vol.II)  
( With Office Report )

Date : 07/07/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN  
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner (s) Mr. K. Radhakrishna, Sr. Adv.  
Mr. Lalit Chauhan, Adv.  
Mr. Sanand Ramakrishnan, Adv.  
Ms. Sweety Manchanda, Adv.  
Mr. P.H. Parekh, Adv. for  
M/s. P.H. Parekh & Co., Advs.

For Respondent (s) Mr. Maulik Nanavati, Adv.  
Ms. Sadhna Sindhu, adv.  
Ms. Hemantika Wahi, Adv.

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

Delay condoned.

Leave granted.

The appeal is disposed of in terms of the signed order.

(R.K. DHAWAN) (VEERA VERMA)  
COURT MASTER COURT MASTER  
(Signed order is placed on the file)  
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2004  
(Arising out of SLP(Crl) No.1176 of 2004)

ABDUL SALAM YUSUF SHEIKH.... APPELLANT.

VERSUS

STATE OF GUJARAT ..... RESPONDENT.

O R D E R

Leave granted.

Heard learned counsel for the parties.

The appellant was found guilty for the offence punishable under Section 22 of the Narcotics Drugs and Psychotropic Substances Act, 1985 and was sentenced to undergo rigorous imprisonment for a period of twelve years and to pay a fine of rupees one lakh, in default of fine to undergo further imprisonment for one year. The counsel for the appellant submits that in view of the amendment of the provision, for keeping in possession of smaller quantity, lesser punishment could have been awarded. But this is not applicable to the appellant as the appeal was pending at the time of commencement of the amended provision. The appellant was found in possession of 430 grams of 'Charas' and it is submitted that he has undergone imprisonment for fairly long period.

..3/-

-3-

Having regard to the facts and circumstances, we hold that the imprisonment of 10 years would be sufficient to meet the ends of justice. Therefore, we reduce the sentence of imprisonment from 12 years to 10 years. As regards fine we do not interfere with the same. The appeal is accordingly disposed of.

.....J  
(K.G. BALAKRISHNAN)

.....J  
(Dr. AR. LAKSHMANAN)

NEW DELHI;  
JULY 7, 2004.

