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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.496 OF 2009
State of NCT of Delhi ..Appellants
versus
Jitendra Tyagi and others ..Respondents
O R D E R
Having heard learned counsel for the appellant, and keeping in mind the fact, that original respondent no.1 â¬ Vireshwar Tyagi, against whom the appeal of the State has already been dismissed vide this Court's order dated 1.3.2013, has since died, and original respondent nos. 2 and 3, who are admittedly found to be in possession of small quantity of heroin, the sentence imposed by the High Court on respondent nos. 2 and 3, i.e., Jitendra Tyagi and Yogesh Tyagi, was fully justified, as the same was the maximum prescribed at the time of the commission of offence, under Section 21(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985. In view of the above, we find no justification in interfering with the impugned orders passed by the Courts below. Since original respondent no.4 â¬ Mukesh Tyagi was not found in possession of any drug or psychotropic substance, but was arrayed as an accused because his vehicle was used by the accused,

2
we are satisfied, that about nine months' sentence along with fine of Rs.30,000/- imposed on him, was also fully justified.
The instant appeal is accordingly dismissed.
â¬ ¦.....J.
[JAGDISH SINGH KHEHAR]
â¬ ¦.....J.
[KURIAN JOSEPH]
NEW DELHI; â¬ ¦.....J.
JULY 20, 2016. [ARUN MISHRA]

3
ITEM NO.101 COURT NO.3 SECTION II
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). 496/2009
STATE OF NCT OF DELHI Appellant(s)
VERSUS
JITENDRA TYAGI & ORS. Respondent(s)
(with office report)
Date : 20/07/2016 This appeal was called on for hearing today.
CORAM :
HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR
HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE ARUN MISHRA
For Appellant(s) Dr. Abhishek Atrey, Adv.
Mr. Vibhu Shankar Mishra, Adv.
Mr. Ravindra Lokhande, Adv.
for Mr. D. S. Mahra,A OR

For Respondent(s) Mr. R.K. Rathore, Adv.
Mr. R.S. Nagar, Adv.
for Mr. T. Mahipal,A OR

UPON hearing the counsel the Court made the following
O R D E R
The appeal is dismissed in terms of the signed order.
(Renuka Sadana) (Parveen Kumar)
Court Master AR-cum-PS
[signed order is placed on the file]