

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 (CrI.) No(s). 3519/2020

(Arising out of impugned final judgment and order dated 18-12-2019 in CRLA No. 1658/2015 passed by the High Court of M.P, Bench at Indore)

MOHAMMAED YUSUF

Petitioner(s)

VERSUS

STATE OF MADHYA PRADESH

Respondent(s)

(FOR ADMISSION and I.R. and
IA No. 71688/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 71685/2020 - EXEMPTION FROM FILING O.T.)

Date : 08-12-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

HON'BLE MR. JUSTICE K.M. JOSEPH

HON'BLE MR. JUSTICE KRISHNA MURARI (Did not participate)

For Petitioner(s) Mr. Rishabh Sancheti, Adv.
Mr. K. Paari Vendhan, AOR

For Respondent(s) Ms. Swarupama Chaturvedi, AAG
Mr. Sunny Choudhary, AOR
Mr. Abhimanyu Singh, Adv.

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

The petitioner's counsel has told us that the petitioner has now been in jail for 7-1/2 years having been sentenced to 10 years under the Narcotics Drugs and Psychotropic Substances Act, 1985.

Ms. Swarupama Chaturvedi, learned AAG for the respondent-State of Madhya Pradesh cites *Union of India vs.*

Rattan Mallik alias Habul (2009) 2 SCC 624 and submits that Section 37 cannot be said to have been met in the facts of the present case and that therefore the petitioner's sentence cannot be suspended.

Considering Section 37 and considering the fact that the only two independent witnesses have turned hostile in this case and that the conviction is otherwise based only upon the statement of the police, without any further reflection on the appeal to be decided by the Court, we suspend the sentence, subject to the usual conditions imposed by the trial Court.

Ordered accordingly.

The special leave petition is accordingly disposed of.

A copy of the order be sent to the District and Sessions Judge, Mandsaur, Madhya Pradesh.

Pending applications shall also stand disposed of.

(ANITA MALHOTRA)
COURT MASTER

(NISHA TRIPATHI)
COURT MASTER