

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 113 OF 2016
[for leave to appeal]
IN
CRIMINAL APPEAL No. OF .

Union of India. ..Applicant.
Versus
Harish Betadaya Annaiah. ..Respondent.

Ms. Rebecca Gonsalvez for the Appellant.

Coram : Ranjit More &
Smt. Revati Mohite Dere, JJ.
Date : **November 25, 2016.**

P. C. :

1. Heard the learned Counsel appearing for the Applicant. The application is filed seeking leave to appeal against the judgment and order dated 26th April 2016 passed by Additional Sessions Judge, Pune in NDPS Sessions Case No. 43 of 2013.

2. By the said judgment and order, the Respondent – accused No.1 came to be acquitted of the charge under section 8(c), punishable under section 20(b)(ii)(c) and section 29 of the NDPS Act. Acquittal is mainly on the ground that there is non compliance of the provisions of sections 42 and 50 of the NDPS Act. The learned Sessions Judge, however in paragraph 32 has observed that prosecution has proved that compliance of

provisions of sections 41(2) and 42 is made. So far as section 50 of the NDPS Act is concerned, the said provision has no application in the facts and circumstances of the case. Arguable case is made out. Hence, we grant leave to appeal. Appeal is admitted. Action under section 390 of the Code of Criminal Procedure, 1973 be taken against the Respondent.

[Smt. Revati Mohite Dere, J.]

[RANJIT MORE, J.]