

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

(234)

CRM-A-472-MA-2013

Date of Decision:-19.09.2016

State of Union Territory, Chandigarh

.....Petitioner

V/S

Satbir Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present : Mr. A.S. Virk, Advocate,
for the applicant-U.T. Chandigarh.
Mr. Satbir Singh, Advocate,
for the respondent.

A.B. Chaudhari, J. (Oral)

Heard learned counsel for the appellant.

The appellant has assailed the order and judgment passed by the Judge Special Court, Chandigarh, by which he recorded the order of acquittal. With the assistance of learned counsel for the appellant, I have gone through the reasons given in the judgment of the trial Judge. The trial Judge has found that there was absence of compliance with Section 50 of the NDPS Act, which provision has been held to be mandatory. In addition, the trial Judge found in para 21 serious discrepancies regarding ruqa. I quote para 21 as under:-

“ 21. Had any test memo form been filled at the spot, the first investigating officer would have handed over the same to the second investigating officer, who in turn would have produced the same before the Station House Officer and ultimately, the same would have been deposited with the MMHC. When no test memo form was deposited with the MMHC, it is not explained as to how the test memo form Exhibit PH came to be filled at what time. There is also

no explanation that who filled the test memo form before it was sent to CFSL.

Having regard to the reasons given by the trial Judge in the entire judgment, I think in the light of the ratio of decision of the Apex Court in the case of Darshan Singh regarding the jurisdiction of the High Court in appeals against acquittal, interference in the order of acquittal is not warranted. In the result, the instant appeal against acquittal is dismissed.

September 19, 2016

Pankaj

(A.B. Chaudhari)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No