

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRR No.2818 of 2017 (O&M)

Date of Decision: September 19, 2017

Amit Sachdeva

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Raj Kumar Gupta Advocate
for the petitioner.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Amit Sachdeva against respondent State of Punjab, challenging the impugned order dated 06.06.2017 passed by learned, Judge, Special Court, Ludhiana, vide which the application filed by the accused-petitioner for sending second sample to Chemical Laboratory was dismissed.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that during the pendency of the trial in case FIR No.97 dated 03.03.2015 under Section 18 of the NDPS Act, an application was filed by the accused for sending second sample to the Chemical Laboratory. As per the prosecution version, the petitioner was apprehended while carrying 500 grams of opium on his Activa Scooter and

including the Investigating Officer and recovery witnesses have already been examined when this application has been filed.

Learned trial Court, after discussing the law, dismissed the application vide impugned order dated 06.06.2017.

As mentioned in the impugned order, no ground has been mentioned as to why the second sample should be sent to chemical laboratory and it is only written that to prove the case of defence, second sample should be sent.

The Hon'ble Supreme Court in *Thana Singh vs. Central Bureau of Narcotics, 2013(1) RCR (Criminal) 861*, held that any requests as to re-testing/re-sampling shall not be entertained under the Narcotic Drugs and Psychotropic Substances Act as a matter of course and these may, however, be permitted, in extremely exceptional circumstances, for cogent reasons to be recorded by the Presiding Judge. In the present case, no extremely exceptional circumstance has been pointed out.

In view of the above discussion, I find that the impugned order dated 06.06.2017 passed by learned Judge, Special Court, Ludhiana, is correct, as per law and no illegality has been committed.

Therefore, finding no merit in the present petition, the same is dismissed.

September 19, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No