

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

CRA-S-1322-SB-2017 (O&M)

Date of Decision : 12.11.2018

ASI Ramesh Kumar

...Appellant

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. H.S. Deol, Advocate for the appellant.

Mr. A.S. Gill, A.A.G., Punjab.

Sudhir Mittal, J.(Oral)

This appeal has been filed by the Investigating Officer of FIR No. 37 dated 02.06.2013, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act') at Police Station Bhikhi, Tehsil and District Mansa.

The appellant is aggrieved by the direction of the trial Court to issue show cause notice under Section 58 (1) of the Act. A copy of the show cause notice dated 05.12.2016, is on record as Annexure A-1, whereby the appellant has been directed to show cause why he be not punished under Section 58(1) of the Act.

Learned counsel for the appellant submits that the findings in the impugned judgment dated 05.12.2016 have been rendered without hearing the appellant. Thus, the trial Court could not have issued show cause notice for punishment. The show cause notice should have been issued for appearance and trial.

Learned State counsel does not dispute the legal submission.

In view of the above, the appeal is disposed of with a direction to the trial Court to modify the show cause notice dated 27.02.2017 and to hear the appellant before passing any final order.

November 12, 2018
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(SUDHIR MITTAL)
JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes/No</i>
<i>Whether reportable?</i>	<i>Yes/No</i>