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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 397/2011**

UOI Appellant
Through None.

versus

SHRI SUNIL PANDEY Respondent
Through None.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER
% **08.01.2018**

This appeal has been filed by the Union of India through Counsel Mr.Pramod Bahuguna. None has been appearing for the appellant since several dates. The appeal was admitted on 21.3.2011. The respondent has been released on bail. The office of the Union of India has been informed. None has appeared for the appellant in spite of that.

The appellant has impugned the judgment of the Additional Metropolitan Magistrate dated 01.6.2010 wherein the respondents stood acquitted of the offence under Sections 132 and 135 (1)(a) of the Customs Act.

Record shows that pursuant to the complaint filed by the Customs Department seeking prosecution of the accused, accused no.1 had been declared proclaimed offender. Accused Sunil Pandey had appeared before the Court; he faced trial.

The appellant in support of its case had examined two witnesses. The Sanctioning Authority had not appeared in the witness box. What material was considered by the Sanctioning Authority was also not whispered; before whom the Sanctioning Authority had put its signatures was also not answered. The requirement of sanction as required under Section 137 of the Customs Act not having been proved, in addition to these facts the conviction could not rest solely on the statement of a co-accused.

The respondent stood acquitted. There appears to be no fault in the order passed by the learned Additional Metropolitan Magistrate, the appeal is without any merit. It is dismissed.

INDERMEET KAUR, J

JANUARY 08, 2018
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