

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 1546 OF 2024

Sachinam Chingaya Guruswami

...Petitioner

Versus

The State of Maharashtra

...Respondent

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Mr. Ayaz Khan a/w Adv.Zehra Charania, Advocate for the Petitioner.

Ms. Rutuja Ambekar, APP for the Respondent – State.

Pl. Mr. Santosh Salunkhe (A.N.C.) Worli, Mumbai & PSI. Mr.Pramod Awale (A.N.C.), Azad Maidan, PSI Mr. Nagesh Chikane, (A.N.C.) ghatkopar Unit, C.B. C.I.D., Mumbai present.

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**CORAM : PRAKASH D. NAIK, &
N. R. BORKAR, JJ.**

DATE : 29th APRIL 2024.

P.C.:

1. Heard.
2. The Petitioner is challenging the proceedings in C.R. No.372 of 2006 registered by Anti Narcotic Cell, Mumbai, which is culminated into NDPS Special Case No.31 of 2007.
3. It is submitted that there is no evidence against the Petitioner. In similar cases, the proceedings are quashed. The co-accused were tried for offences under Sections 8(c) r/w Section 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act,

1985 (for short “N.D.P.S. Act”) and they are acquitted vide Judgment and order dated 23rd November 2009. The said accused were purportedly in possession of the contraband.

4. Learned A.P.P. on instructions submitted that the co-accused in the present case are acquitted. There is no evidence showing involvement of the Petitioner in the present case.

5. The Petitioner had preferred Criminal Writ Petition No.1258 of 2023 challenging the proceedings arising out of Crime No.209 of 2007 investigated by Anti Narcotic Cell, Mumbai. The said proceedings were quashed for lack of evidence vide order dated 10.04.2023. The co-accused were tried. They were allegedly found in possession of contraband. The trial Court had disbelieved the prosecution case while acquitting the said accused and undisputedly the Petitioner was not found in possession of contraband.

6. In view of the aforesaid circumstances the proceedings are required to be quashed.

ORDER

- i) Criminal Writ Petition No.1546 of 2024 is allowed and disposed off;

ii) The Proceedings arising out of C.R. No.372 of 2006 registered by Anti Narcotic Cell, Mumbai, which is culminated into NDPS Special Case No.31 of 2007 are quashed qua the Petitioner.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)