

Devraj Singh Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Apr-02-2013

Appellant : Devraj Singh

Respondent : The State of Madhya Pradesh

Judgement :

Criminal Revision No.114/2011 02.04.2013 Shri Shivam Singh, Advocate for the applicant.

Shri Ajay Tamrakar, Panel Lawyer for the respondent-State.

Heard the learned counsel for the parties finally.

By this Criminal Revision under Section 397/401 of Cr.P.C.the applicant has challenged the order dated 19.11.2010 passed by the learned Special Judge NDPS Act Rewa in Special Case No.7/2009 whereby the charge of offence punishable under Section 20(B)(ii)(c) of the NDPS Act was framed against the applicant.

The prosecution's case, in short, is that some contraband substance was recovered from the vehicle bearing registration not MP20 HA3606 and it was found that the vehicle was not registered as a taxi.

The applicant is registered owner of the vehicle.

After considering the submissions made by the learned counsel for the parties and looking to the facts and circumstances of the case, it appears that the applicant takes the advantage of the statement given by one Sangram Singh that the vehicle was in his control and it was not in the control of the applicant.

However, the registration was not shifted in the name of Sangram Singh, and therefore at present only by the statement of Sangram Singh, it cannot be said that the applicant was nowhere connected with the vehicle from which the contraband substance was found or it was transported in the vehicle without the connivance of the applicant.

Prima facie at this stage such type of appreciation of evidence cannot be done.

Looking to the evidence available with the prosecution, it is apparent that the contraband substance was found in a vehicle owned by the applicant and there was no registration of the vehicle as a taxi so that it can be said that the contraband substance was not connected with the applicant.

On the basis of the evidence collected by the prosecution, at present it cannot be said that no offence has been committed by the applicant.

No illegality or perversity is visible in the impugned order dated 19.11.2010 passed by the learned Special Judge, Rewa.

There is no basis by which the present revision can be accepted.

Consequently, the revision filed by the present applicant is hereby dismissed.

A copy of this order be sent to the trial Court with a direction that the stay order passed in the present case is hereby vacated and the trial Court may proceed with the case.

(N.K.Gupta) Judge Ansari

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