

Ravinder Singh Vs. State of M.P.

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Court : Madhya Pradesh

Decided On : Jul-16-2002

Reported in : 2003(2)MPHT31; 2003(3)MPLJ9

Judge : Uma Nath Singh, J.

Acts : [Narcotic Drugs and Psychotropic Substances Act, 1985](#) - Sections 42

Appeal No. : Criminal Revision No. 792/2002

Appellant : Ravinder Singh

Respondent : State of M.P.

Advocate for Def. : Alka Pandya, Govt. Adv.

Advocate for Pet/Ap. : Vasant Deniel, Adv.

Disposition : Criminal revision dismissed

Judgement :

ORDER

Uma Nath Singh, J.

1. Heard the Counsel for the parties and perused the records. Shri Deniel, inter alia, submitted that contraband items were seized from the Vehicle (M.P. 20G 7770) which he sold out much before the date of seizure but to implicate him, his

vehicle (M.P. 20D 7770) which was on a different route, has been wrongly taken in custody. According to Shri Deniel, the contraband items were seized on a route different from the one which is recorded in the police records. Shri Deniel further submitted that there is no compliance of Section 42 of the N.D.P.S. Act and further, the source of information has not been disclosed. On the contrary, Miss. Alka Pandya, learned Govt. Advocate, on the basis of the case diary, submitted that the Police has to act promptly, at times, even without recording detailed information lest, they would not be in position to seize contraband or prevent commission of crimes. She also submitted that quantity of contraband item, being 24 bags of 'Ganja ', is worth about Rs. 15 lakhs. Moreover, it has been a consistent stand of the Investigating Agency that the contraband item 'Ganja bags' were seized only from vehicle M.P. 20D 7770 and not from M.P. 20G 7770.

2. On due consideration, without expressing any opinion on merits of the case, I am not inclined to interfere at the charge stage. Apart from seizure of a huge quantity of the contraband item and also the fact that at some point of time, the applicant owned both the vehicles with identical number except a difference of 'D' and 'G' in the middle, there are other materials in plenty to frame charges in question. No doubt, compliance of Section 42 is mandatory but the Court while construing such provisions should not interpret it so literally as to render its compliance impossible. A literal compliance of Section 42 of the N.D.P.S. Act, may not only cause delay in trapping the accused but may also make his escape from the law easier [Sajan Abraham v. State of Kerala, (2001) 6 SCC 692].

3. Under the circumstances, I do not find any illegality, impropriety or infirmity in jurisdiction in framing the charges, leading to miscarriage of justice. As such, the Criminal Revision being devoid of merits, is hereby rejected.