

Customs Vs. Konan Jean

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Court : Delhi

Decided On : Dec-12-2011

Appellant : Customs

Respondent : Konan Jean

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI + Crl. Appeal No. 1098/2011
% Reserved on: 25th November , 2011 Decided on: 12th December, 2011
CUSTOMS Appellant Through: Mr. P.C. Aggarwal, Adv. versus KONAN JEAN
..... Respondent Through: Mr. S.K. Sethi, Adv. Coram: HON'BLE MS. JUSTICE
MUKTA GUPTA.

1. The Respondent was acquitted by the Learned Special Judge for offences punishable under Section 21, 22, 23 and 28 of the Narcotics Drugs and Psychotropic Substance Act (in short NDPS Act) by the impugned judgment dated 28th March, 2011. Aggrieved by the impugned judgment the Appellant preferred the leave to appeal petition which was granted vide order dated 20th August, 2011. The Learned Special Judge had directed the Respondent to furnish bond in terms of Section 437-A Cr.P.C. However, since the Respondent has not been able to furnish the bond, hence he is in custody. Thus, this appeal was taken up for hearing by this Court..

2. Briefly the case of the prosecution is that on 13 th March, 2007 the Respondent was going to Bangkok by flight No. AI-348 from IGI Airport New Delhi carrying one

black colour stroller hand bag of ECHOLACE brand with no check-in baggage. The Respondent was wearing an overcoat during *CrI.A. 1098/2011 Page 1 of 16* summer season which seemed unusual. Due to suspicion he was intercepted at the customs counter. On inquiry, he replied that he was carrying only US \$ 2000 and Indian Rs. 450/- and denied carrying any Narcotics Drugs. Not being satisfied by the reply of the Respondent, the Air Custom Officer Shri Jarnail Singh, the Complainant decided to examine the hand bag and the person of the Respondent in the presence of panch witnesses. Notices under Section 102 of the Customs Act and Section 50 of the NDPS Act were served on the Respondent apprising him of the legal right available to him. The Respondent did not want to get himself examined by a Gazetted Officer or a Magistrate and thus the Air Custom Officer examined him. The overcoat worn by the Respondent revealed some hand stitches, thus it was further examined. On thorough examination of the overcoat, one capsule type substance concealed in the inner side of the overcoat was found and the same was tested on Ionscan Barringer scanner which tested positive for presence of Narcotic Drugs i.e. Heroin and THC. On cutting open the capsule white powdery substance was found wrapped in plastic packing. A small sample of the same gave positive test for Narcotic drug i.e. heroin. On further questioning the Respondent admitted that around 70-75 capsules of similar nature were concealed in his body. Thus he was taken to the hospital where he ejected 77 capsules from 13th March, 2007 to 14th March, 2007 on 4 different occasions in the presence of Doctors on duty and Custom Officers. On 15th March, 2007 in the presence of panch witnesses the aforesaid capsules were cut open and all contained white powdery substance which on testing was found to be heroin. Total weight of the heroin recovered from the Respondent was 14 gms + 1073 gms i.e. 1087 gms. The recovered drug was seized and sealed by the Customs Officers. Samples were drawn and sent to CRCL which reported the samples to be positive for presence of heroin. On a *CrI.A. 1098/2011 Page 2 of 16* complaint being filed the prosecution witnesses and the accused were examined resulting in the passing of the impugned order..

3. Learned counsel for the Appellant contends that there has been due compliance of Section 50 of the NDPS Act and in fact learned Special Judge also held that the compliance of Section 50 NDPS Act has been done by the Appellant. It is also

stated that Sections 55 and 57 of the NDPS Act have been duly complied with. Further statements of witnesses are supported by the voluntary statement of the Respondent recorded under Section 67 of the NDPS Act which is admissible in evidence. Reliance in this regard is placed on *M. Prabhulal Vs. Assistant Director of DRI*, 2003 (3) JCC 1631 SC and *Ram Singh v. Central Bureau of Narcotics*, 2011 (3) JCC Narcotics.

140. 4. Learned counsel for the Appellant strenuously contends that there is no discrepancy in the link evidence as observed by the Learned Trial Court. It is stated that all the panch witnesses and the Doctors could not be examined at the trial as they were not available at the given addresses. However, the statements of these witnesses recorded under Section 67 of the NDPS Act vide Ex.PW1/U1, PW1/V1 PW3/B, PW3/D and PW3/E have been proved. Reliance is placed on *Ajmer Singh Vs. State of Haryana* 2008 (3) JCC Narcotics 188; *State of Haryana Vs. Mai Ram* 2009 (3) JCC Narcotics.

106. Since as per Section 53-A of the NDPS Act these are relevant statements, the contention of the Respondent that the prosecution failed to prove in whose presence recovery of 77 capsules were effected is untenable. It is contended that the finding of the Learned Trial Court regarding discrepancy in collection of the samples and deposition thereof with the CRCL is erroneous. Learned counsel refers to the testimony of PW1, PW5, PW7 and PW10. Reliance is CrI.A. 1098/2011 *Page 3 of 16* placed on *Siddiqua Vs. NCB*, 2007 (1) JCC Narcotics 22 Delhi, *Gita Lama Tamang v. State of (G.N.C.T.) of Delhi*, 2006 (3) JCC Narcotics.

197. 5. It is contended that the finding of the Learned Special Court that there was discrepancy with regard to marking of the samples in the forwarding letter is erroneous. Three samples were drawn from the first recovery and marked as A1, A2 and A3. Sample mark A1 was sent to CRCL along with test-memo and forwarding letter dated 15th March, 2007. As per the receipt obtained from CRCL, sample A1 had been received. It is stated that inadvertently in the forwarding letter dated 15 th March, 2007 it has been written that sample mark A has been sent instead of sample mark A1. Similarly, with regard to other set of recovery, samples mark B1, B2 and B3 were drawn and sample B1 was sent to CRCL along with test

memo and forwarding letter dated 16th March, 2007, however, the same mistake occurred and instead of B1, sample mark A was mentioned inadvertently in the forwarding letter. It is contended that since the forwarding letters were prepared on the same computer at the same time, this error occurred. However from the testimonies of PW1, PW5, PW7, PW10 and other evidence on record, it is clear that samples A1 and B1 were sent to CRCL and not the sample mark A. Reliance is also placed on *Balbir Kaur Vs. State of Punjab AIR 2009 SCC 3036*; *State of Rajasthan Vs. Daul 2009 (4) JCC Narcotics 206* and *Okwun Udensi Vs. Custom 2008 (1) JCC Narcotics*.

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6. It is next contended that the Learned Trial Court laid undue emphasis on the discrepancy in the weight of the samples sent to the CRCL. The discrepancy in the weight has been duly explained by PW10. The link evidence has been duly proved by the prosecution beyond reasonable doubt. *CrI.A. 1098/2011 Page 4 of 16* It is thus prayed that the impugned judgment be set aside and the Respondent be convicted and sentenced for the offences charged..

7. Learned counsel for the Respondent on the other hand contends that neither the panch witnesses nor the Doctors have been examined before whom alleged capsules were ejected. The Respondent in his statement under Section 313 Cr.P.C. and the retraction application dated 28th March, 2007 has stated that he was beaten and tortured by Custom authorities and was made to sign on blank documents. No MLC of the Respondent was placed on record to disprove this fact. Further even PW1 in his statement before the Court has stated that one original notice under Section 50 of the NDPS Act was prepared, however, thereafter copy of the same was not prepared. According to the PW1 original notice was served on the Respondent and was also mentioned in jamatalashi. He also stated that the notice given along with the complaint is also an original one. Thus, serving of original notice is also doubtful. No separate notice has been prepared in compliance of Sections 102 and 103 of the Customs Act. The recovery of one capsule from the overcoat is doubtful as the Respondent was not wearing any overcoat at the relevant time. Further, PW1 in his statement has stated that coat

was made of leather whereas the coat produced in Court was of cloth fabric and not leather. The alleged contraband recovered from the capsule found in the overcoat was not sent to the CRCL since sample A1 was not sent. Thus, the sole testimony of PW1 in this regard cannot be relied upon..

8. It is further contended that even the recovery of 77 capsules from the Respondent is doubtful. No MLC, X-ray, CT Scan or any medical document has been placed on record. Even the OPD slip does not mention the fact that the capsules were ejected before the Customs Officers. The Doctors in whose CrI.A. 1098/2011 *Page 5 of 16* presence the capsules were ejected have not been examined. Further the order of the Learned Metropolitan Magistrate under Section 103, Customs Act has also not been complied with. The testimony that samples were drawn from 77 capsules was also doubtful. The only explanation with the Appellant is that there was a typographical error which is not possible. Further the test memos were prepared on the 15th March, 2007 and not on 13th March, 2007. They were not deposited in the malkhana. Samples mark A1, A2 and A3 and remaining case property were not deposited in the malkhana on 13th March, 2007. PW1 has admitted in his statement before the Court that he neither remembers the time of taking/drawing nor of depositing the seal affixed on the samples and the case property. There is no evidence as to who handed over the samples to PW4. The samples received by the CRCL had mark A and not mark A1. PW11 has stated that he had not given any permission or authority for taking sample A1 to the CRCL. Thus, the prosecution has failed to discharge the onus. Hence, there is no infirmity in the impugned order. The appeal be thus dismissed..

9. I have heard learned counsel for the parties..

10. In his testimony PW1 Jarnail Singh, Inspector Custom has stated that on 13th March, 2007 he was on duty in the Departure Hall, IGI Airport, New Delhi when the Respondent was to go to Bangkok by Air India Flight No. AI-

348. He was carrying one black colour stroller hand bag of ECHOLACE make. He had no check-in baggage. The Respondent was wearing an overcoat in summer which raised suspicion. He was asked whether he was carrying any Indian currency, foreign currency or narcotic drugs in his baggage or person to which he

replied that he was carrying only US \$ 2000 and Indian Rs. 450/- and no Narcotics Drugs. Since PW1 was not satisfied, he CrI.A. 1098/2011 Page 6 of 16 called two independent witnesses and again asked the accused whether he was carrying any foreign or Indian currency or any contraband. A notice under Section 102 of the Customs Act being Exhibit PW1/A was served on him and the Respondent was given an option for search of his baggage and person in the presence of a Magistrate or a Gazette Officer. Since he replied in negative, his endorsement was put on the said notice and in the presence of panch witnesses the stroller baggage was examined but nothing incriminating was recovered. Thereafter the Respondent was taken to the preventive room of the customs and a notice under Section 50 NDPS Act was served upon him being Ex. PW1/B and he was explained that he has a right to be searched in the presence of a Gazette Officer or a Magistrate, however the Respondent replied in the negative. The endorsements of the PW1, accused and the panch witnesses have been duly proved. On examination of the overcoat it was observed that the bottom had been stitched by hand and thus, the same was opened. On opening one capsule was found concealed in the inner layer of the beige (khaki) overcoat. On examining the capsule with a machine, it gave positive test for narcotic drug. On cutting of the capsule, white colour substance was recovered which was tested with the help of field testing kit which gave positive result for heroin. The same was weighed and found to be 14 grams. Three samples of 2 grams each were taken from this. The samples were marked as A1, A2 and A3 and the remaining substance was kept in a plastic pouch and sealed with the cloth, stitched and sealed with the custom seal over a paper slip bearing the signatures of the concerned signatories of the panchnama. The overcoat was also taken into possession vide memo Ex. PW1/C. CrI.A. 1098/2011 Page 7 of 16.

11. PW1 has further stated that the Respondent was asked whether he had any further substance to which he replied that he had concealed 70-75 more capsules in his body. The currency of US \$ 2,000 and Rs. 450/- and the hand bag were returned to the accused, however, the travelling documents, that is, the air ticket, boarding pass were seized. Thereafter in view of the disclosure of the Respondent of having concealed capsules, he was taken to the learned Duty Magistrate and an application under Section 103 of the Customs Act was filed before the learned

Duty Magistrate being Ex. PW1/G. The learned Duty Magistrate permitted the Respondent to be admitted in RML hospital for medical assistance, X-ray and CT Scan. Thereafter the Respondent was admitted to RML hospital where he remained till 14th March, 2007. The Respondent ejected 29 capsules in the first instance and 28 capsules at the second time on 13th March, 2007. Thereafter on 14th March, 2007 the Respondent ejected 13 capsules and subsequently 7 capsules. Thus in all 77 capsules were ejected which were kept in four plastic jars, wrapped with adhesive tapes and sealed with the seal of "CMO RML HOSP". Since the Respondent had not slept for 34 hours, he was feeling sleepy and was thus permitted to take rest. The information with regard to the recovery of the capsules from the Respondent was sent to Senior Officer in compliance of Section 57 of the NDPS Act. The seizures on 13th and 14th March besides the doctors were also witnessed by two other Air Custom Officers, that is, Rajiv Gupta and Amit Khanna. After the Respondent had taken rest as requested by him, further proceedings were started on 15th March, 2007 when two panch witnesses were called to witness the proceedings and were informed about the facts of the case. The hospital issued two certificates indicating the above said recoveries and a discharge certificate showing the discharge of the Respondent from the hospital on 14th March, 2007. The said certificates were Crl.A. 1098/2011 *Page 8 of 16* exhibited as Ex. PW1/I. In the presence of the two independent witnesses, four plastic jars were cut open and 29, 28, 13 and 7 capsules were taken out. The entire proceedings were signed by the panch witnesses. All the 77 capsules were cut open with the help of blade and they were found to contain white powdery substance suspected to be heroin. After homogenising the substance, it was kept in plastic bag. It weighed 1073 grams and was valued at Rs. 1,03,73,000/-. Three samples of 5 grams each were taken for testing which were marked as B1, B2 and B3 and rest of the contraband was also sealed with the customs seal by keeping in double transparent bags. The recovered white powder, four plastic jars and adhesive tapes were sealed with the custom seal No..

6. The Superintendent, Customs recorded the statement of the Respondent on 13th March, 2007 and 15th March, 2007. The Respondent was formally arrested. The report under Section 57 NDPS Act Ex. PW1/O was sent to senior officers. Thereafter the entire case property, jamatalashi, packing material and personal

belongings were deposited through DR Nos. Ex. PW1/P to Ex.PW1/T respectively. The goods were received by Shri K.C. Gupta, ACO (SDO) which were sealed. The samples were sent to CRCL by Shri Rajiv Kumar, ACO. The statements of panch witnesses were recorded under Section 67 of the NDPS Act, which were duly exhibited. The test memos were prepared in triplicate on 15th March, 2007 for the recoveries effected on 13th March, 2007 and 14th March, 2007. The two tests reports were duly received and exhibited as Ex.PW10/A and Ex.PW10/B along with their remnant samples. All these articles were duly exhibited during the evidence of this witness and marked as Ex. P1 to P36. The statements of the doctors were also recorded under Section 67 of the NDPS Act. CrI.A. 1098/2011
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12. A perusal of the testimony of PW1 and Exhibit PW1/B shows that the Respondent was duly informed about his legal right to be searched before a Gazette Officer or a Magistrate, which he declined. Further notice under Section 102 of Customs Act informing the Respondent about the fact that if he so desires his search could be conducted before a Gazette Officer or a Magistrate was also given vide Exhibit PW1/A which was also declined by him. Further Section 103 of the Customs Act was also complied with as an application was moved to the learned Metropolitan Magistrate being Exhibit PW1/G on which the learned Duty Magistrate referred to CMO, RML for medical assistance, X-ray, CT Scan as advised by the doctor and the Respondent was directed to be produced before the concerned Court after the procedure. Exhibits PW1/I, PW1/J and PW1/K, which are discharge summary and OPD registration cards, show that the Respondent ejected 29, 28, 13 and 7 capsules on 13th and 14th March, 2007. Further the testimony of PW1 with regard to the capsules ejected by the Respondent is corroborated by PW8 Rajiv Kumar Gupta and PW13 Amit Khanna in whose presence the Respondent ejected capsules on 14th March, 2007..

13. Learned counsel for the Respondent has strenuously stated that the samples were kept illegally from 13th March, 2007 by PW1 in his custody as he did not deposit the same in the safe custody. The sequence of events as narrated by PW1 clearly shows that on 13 th March, 2007 one capsule was recovered, which was tested and the Respondent disclosed being in possession of 70-75 capsules in his

body. An application was made to the learned Metropolitan Magistrate under Section 103 of the Customs Act. Thereafter, the Respondent was taken to RML Hospital from where he was discharged at 3.10 PM on 14th March, 2007 and taken to IGI Airport. The request of CrI.A. 1098/2011 *Page 10 of 16* the Respondent for rest being tired was quite natural and further proceedings could not be carried out on humanitarian ground on 14th March, 2007. Thus the proceedings were deferred to 15th March, 2007 when the Respondent got up after taking rest. The Appellant has satisfactorily explained the sequence of events. PW1 has stated that the samples and the case property were kept in the safe custody and nothing has been brought out in cross-examination to suggest that during this period PW1 tampered with the recovered substance. Even in the application under Section 103, Customs Act filed before the learned Metropolitan Magistrate it has been stated that one capsule has been recovered from the Respondent..

14. The primary reasons for acquittal by the learned Special Judge were that the samples sent to CRCL were marked as A and not A1 and B1 in view of the covering letters Exhibit PW4/D and PW4/A and that the same samples which were duly recovered and sealed were sent have not been proved by the prosecution i.e. the link evidence has not been proved. The mentioning of sample A in the covering letter was inadvertent due to typing mistake and is not an error which goes to the root of the matter especially in view of the fact that the Respondent has not cross-examined PW-1 on this aspect. Further a perusal of Exhibits PW4/B, 4/C, 4/E and 4/F shows that it was the samples marked A1 and B1 which were sent to the CRCL. This testimony of PW1 is corroborated by PW10 Shri S.K. Mittal, Chemical Examiner. He states that he had received sample packets marked A1 and B1 with seals intact. There is no doubt that there is an error in the forwarding letter which states that sample A is being sent, however the CRCL form annexed thereto clearly states that the samples sent to the laboratory were A1 and B1. The finding of the Learned Trial Court that there is no cogent evidence on record that sample CrI.A. 1098/2011 *Page 11 of 16* mark A1 which was drawn at the spot from the substance recovered on 13th March, 2007 was sent to the CRCL as in the forwarding letter Ex.PW4/A the sample which was sent to CRCL for analysis is mentioned as mark A and not mark A1, is perverse..

15. Further the difference in the weights of samples sent to the CRCL has also been explained by PW10 in his cross-examination. He has clarified that in test memo Section 1 the weight of the sample is mentioned as 2 gms whereas in Section 2 it was mentioned as 3.5 gms. The witness has clarified that Section 1 of the test memo is filled by the ACO whereas Section 2 is filled in the laboratory and the weight 3.5 gms includes the weight of the wrapper. Further the gross weight of 2.7 gms mentioned in the report Exhibit PW10/A is the weight of remnant sample along with the wrapper. Similarly in his report Exhibit PW10/B the gross weight is mentioned as 5.5 gms. The witness has clarified that in Section 1 of the test memo the weight of the sample is mentioned as 5 gms and in Section 2 it is mentioned as 7 gms. The witness has stated that Section 1 of the test memo is filled by the ACO whereas Section 2 is filled in the laboratory and the weight 7 gms includes the weight of the wrapper. Thus, from the testimony of this witness, it is clear that there is no difference in the weights of the samples sent. Thus, the finding of the learned Trial Court on this count is also erroneous..

16. The learned Trial Court has held that there is no concrete evidence on record as to who handed over the custody of the representative sample to PW4 Rajeev Kumar for carrying the same to the CRCL. As regards the receipt and sending of the samples mark A1 and B1 to the CRCL is concerned, PW4 Rajeev Kumar has stated that on 15th March, 2007 he received a letter Ex.PW4/A relating to sample A1 authorizing him to deposit the sample with CrI.A. 1098/2011 *Page 12 of 16* the CRCL. He was handed over one sealed sample containing representative sample by the Investigating Officer. Though he initially stated to be by the Superintendent but immediately clarified it to be by the Investigating Officer. PW4 Rajeev Kumar has also stated that on 16th March, 2007 he was again authorized by Shri Ravinder Singh in terms of letter Ex.PW4/D to take the sample for testing to CRCL. Letter Ex.PW4/D is related to sample B1 though it mentioned sample A, however in the test memos Ex.PW4/E it is clearly stated that sample mark B1 was being sent. PW4 Rajeev Kumar had further brought the register of the SDO(A) which contained the entry No. 3027 dated 16th March, 2007. According to Ex.PW4/H, PW4 received the sample mark B1 for onward transmission to CRCL. Further PW10 Sh. S.K.Mittal, Chemical Examiner from the CRCL has stated that he received the sample mark A1 and B1 which were found to be positive for

heroin (diacetylmorphine) and reports regarding the same were Ex.PW10/A and PW10/B ..

17. Much emphasis has been laid by the Learned Trial Court on the fact that the representative samples mark A1, A2 and A3 and the remaining case property were not deposited with the Malkhana on 13th March, 2007 itself and was kept by PW1 in his own custody till 15th March, 2007. It may be noted that the facts of each case have to be looked on the basis of their peculiar circumstances. Learned Special Judge has held that PW1 in his cross- examination has stated that Panchnama proceedings were over on 13th March, 2007 at 6.00 PM and then he reached the house of Duty Magistrate at 8.30 PM but still he failed to explain why the case property and the samples were not deposited. PW1 was put this question and he replied that the accused had concealed some capsules in his body, due to fever the said capsules may have CrI.A. 1098/2011 *Page 13 of 16* bursted and due to shortage of time he could not deposit the above said case property and samples with the SDO(A) on the same day. Whenever an investigation is conducted minute by minute explanation of the sequence of events cannot be given meticulously. Before going to the Learned Metropolitan Magistrate the PW1 was also required to prepare the application under Section 103 of the Customs Act besides briefing the counsel and arranging the vehicle, security etc. The Trial Court could not have assumed and come to the conclusion that the recording of the statement of the accused could have been postponed as there was no urgency therein. All that has to be considered is that even if the samples were in the custody of PW1, whether he has been able to prove that they were not tempered with. PW1 in his cross- examination has stated that the samples drawn on 13th March, 2007 were not deposited in the custody of SDO(A) but were retained by him in his safe custody in the locker, since the accused was to be taken to the hospital..

18. Learned Trial Court has further observed that the test memos Ex.PW4/C mentions the date of drawl and date of dispatch of sample as 13th March, 2007 and the testimony of PW1 has failed to explain such discrepancy. According to the Learned Trial Court if the test memo was prepared on 15th March, 2007 then the date of dispatch of the sample could not have been mentioned as 13th March,

2007. A perusal of the test memo undoubtedly shows that the date of drawl and dispatch of sample is 13 th March, 2007, however, PW4 has stated in his testimony that he deposited the sample on 15th March, 2007 against receipt. Further PW4 has not been cross- examined on this count..

19. The finding of the Learned Trial Court that the test memo Ex.PW4/C was prepared without obtaining Custom seal No.6 from the custodian of the CrI.A. 1098/2011 *Page 14 of 16* seal and the same could not be deposited by PW4 Rajeev Kumar Superintendent at about 12.00 Noon when the seal was taken by PW1 J.S. Saimpla Inspector Custom after 12.40 PM, is also erroneous. PW4 Rajeev Kumar, Superintendent has stated that he deposited the sample with CRCL at about 12 noon. PW1 has stated clearly that the sample A1 was sent to CRCL in the morning hours of 15th March, 2007. He has further stated that the sample B1 could not be sent to CRCL on that day i.e.

15. th March, 2007 as the proceedings relating to the aforesaid recovery continued till late hours in the evening. He has further stated that on 15th March, 2007 the proceedings started at 9.30 AM and were concluded at 12.40 PM. On this basis, the learned Trial Court has assumed that the seal was taken by PW1 after 12.40 PM. From the evidence of the PW1 it is evident that he took the customs seal No.6 on the 13th and 15th March, 2007 and returned the same on the same day after conclusion of proceedings..

20. The statements of the PW1 is corroborated by the statement of the Respondent recorded under Section 67 of the NDPS Act by PW2. The Respondent has retracted the said statement on 28th March, 2007 and has stated that the same was taken from him under duress, by beating and torturing physically and mentally. It may be noted that the Respondent was taken to Hospital immediately after his apprehension and admitted therein. A perusal of the OPD cards of the Respondent being Exhibits PW1/J and PW1/K do not show that the Respondent had received any injury. Further the statement was recorded on 15th March, 2007 and the Respondent was produced before the learned ACMM on 15th March, 2007 itself wherein no injury was pointed out by him and the learned ACMM sent him to judicial custody after getting medically examined. CrI.A.

21. A criminal trial is a quest for truth. The prosecution is required to prove its case beyond reasonable doubt and not by way of perfect proof free from all blemishes. Thus, I find the judgment of the learned Trial Court acquitting the Respondent as illegal and perverse. The same is set aside. The Respondent is convicted for offences under Sections 21(c), 23(c) and 28 of the NDPS Act. (MUKTA GUPTA) JUDGE December 12, 2011 'ga' CrI.A. 1098/2011 Page 16 of 16

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