

CASE NO.:
Appeal (crl.) 63 of 1999

PETITIONER:
STATE OF GUJARAT

RESPONDENT:
GOPAL LAXMAN THAKUR & ANR.

DATE OF JUDGMENT: 03/02/2005

BENCH:
B.P. SINGH & B.N. SRIKRISHNA

JUDGMENT:
J U D G M E N T

B.P.Singh, J.

In this appeal by special leave the judgment and order of the High Court of Gujarat at Ahmedabad in Criminal Appeal No.146/90 dated 27th April, 1998 has been impugned whereby the High Court allowed the appeal preferred by the respondents and set aside their conviction for the offence under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the NDPS Act').

The crucial finding recorded by the High Court is that the report of the Forensic Science Laboratory Exhibit 9, Exhibit 11 and Botanical examination report Exhibit 12 as also the laboratory report as contained in Exhibit 9 discloses that substance found was a poppy capsule and that it was identified as fragments of poppy capsules. The said description does not identify the substance found to be opium poppy as defined under Section 2(xvii) of the NDPS Act.

Counsel for the appellant stated that the respondents are not traceable and they have not even appeared before this Court to defend themselves. He, therefore, does not wish to press this appeal. This appeal is, therefore, dismissed as not pressed.