

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NOS.693-696 OF 2002

STATE OF MAHARASHTRA

... APPELLANT(S)

VERSUS

JAYANTILAL MODI & ORS.

... RESPONDENT(S)

O R D E R

Heard learned counsel for the State.

The State is aggrieved by the judgment of the High Court in Criminal Appeal Nos.622/1994, 643/1994, 649/1994 and 82/1995 on the file of the High Court of Bombay wherein the accused were acquitted. The main reason for such acquittal was on the basis of the interpretation of Section 42 of the N.D.P.S.Act. When the matters came up before this Court, this Court by order dated 13.07.2006, adjourned the matters awaiting the decision on this issue by the Constitution Bench and the issue was finally decided by the Constitution Bench in Criminal Appeal No.36/2003 entitled Karnail Singh Vs. State of Haryana, reported in 2009(8) SCC p.539. In this view of the fact, we allow the appeals and set aside the judgment of the High Court and request the High Court to re-hear the appeal. The High Court may issue fresh notices to the accused initially. The Criminal Appeals are allowed accordingly.

.....CJI
(K.G. BALAKRISHNAN)

.....J.
(TARUN CHATTERJEE)

.....J.
(DEEPAK VERMA)

NEW DELHI;
13TH JANUARY, 2010