

PETITIONER:
SAYAR PURI

Vs.

RESPONDENT:
STATE OF RAJASTHAN

DATE OF JUDGMENT: 02/09/1998

BENCH:
G.T. NANAVALI, S.P.KURDUKAR

ACT:

HEADNOTE:

JUDGMENT:
J U D G M E N T
NANAVALI. J

The appellant has been convicted under Section 8 read with section 18 of the N.D.P.S. Act as he was found in possession of opium. He is challenging his conviction in this appeal.

The contention raised on behalf of the appellant is that no site plan was prepared by the police to prove that the place where the appellant was found sitting was a part of the public road. In our opinion this contention is misconceived. The police officers who were examined in this case and also the bench witnesses have stated that the accused was found sitting on a bench on the Mandia Road. Thus the accused was found sitting on a public road and, therefore, neither the procedure under Section 42(2) of the Act was required to be followed nor the site plan was required to be prepared. Another contention raised by the appellant is that the requirements of Section 50 of the Act have not been strictly complied with. We find no substance in this contention. Section 50 prescribes the manner in which the search of the person shall be conducted. No breach of any particular condition has been pointed out. Moreover, we find that P.W. 1 has stated in his evidence that he had complied with those conditions. P.W. 1 had informed the appellant about his rights. He has further stated that the appellant had told him that he had no objection if he was searched by him. The appeal is, therefore, dismissed.