

**SUPREME COURT OF INDIA**

Nayak Ramesh Chandra Keshavlal

Vs.

State of Gujarat

CrI.A.No.1304 of 2003

(B. N. Agarwal and H. K. Sema JJ.)

28.07.2004

**ORDER**

1. Heard the learned counsel for the parties.

2. As the points raised by learned counsel appearing on behalf of the appellant is concluded by a recent judgment of this Court in the case of Basheer Alias N.P. Basheer Vs. State of Kerala, reported in 2, in relation to the applicability of Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2001, wherein lesser punishment was provided when the quantity seized is a small one, as enumerated in Notification bearing S.O.1055 (E) dated 19th October, 2001, published in the Gazette of India, Extra. Part II, Section 3(ii) dated 19th October, 2001. Proviso to Section 41 of the amending Act referred to above, lays down that the provisions of the amending Act shall not apply to cases pending in appeal, validity of which was challenged before this Court on the ground that the same, being discriminatory, was violative of Article 14 of the Constitution of India. But this Court in the case of Basheer (supra), upheld the validity of the said provision and, consequently, the provisions of the Amendment Act shall have no application in the present case, as on the date of coming into force of the Amending Act, the case of the appellant was pending in appeal before the High Court. No other point having been raised, we do not find any merit in this appeal, which is, accordingly, dismissed.