

SUPREME COURT OF INDIA

State of Rajasthan

Vs.

Babu Lal

(Arijit Pasayat and Asok Kumar Ganguly JJ.)

21.04.2009

JUDGMENT

Dr.Arijit Pasayat,J.

1. Challenge in this appeal is to the judgment of acquittal passed by a learned Single Judge of the Rajasthan High Court, Jodhpur Bench. The respondent was convicted for offence punishable under Section 8/21 of the *Narcotics Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the Act')*. The respondent was found in possession of a huge quantity of Brown Sugar and the Trial Court held that all the requisite procedure was followed and, therefore, according to the Trial Court, the prosecution version was established. The High Court found that there was non-compliance with the requirement of Section 42(2) of the Act. Various factual aspects have been highlighted by the High Court to come to this conclusion.

2. Learned counsel for the State submitted that some minor variations, if any, in not following the the procedure would not render the conviction bad. The learned counsel for the respondent on the other hand supported the judgment of the High Court.

3. We find that the High Court after referring to the various factual aspects came to the conclusion that provisions of Section 42(2) were not complied with. The documents required to prove the receipt of oral information were not brought on record. That being so, we are not inclined to interfere with the judgment of the High Court. The appeal fails and it is dismissed accordingly.