

IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION

REVIEW PETITION (CRL.) _____ OF 2020
(ARISING OUT OF DIARY NO. 43818 OF 2019)

IN

CRIMINAL APPEAL NO. 1565 OF 2019

BALJINDER SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

O R D E R

Delay condoned.

The accused Baljinder Singh and Khushi Khan were convicted by the Trial Court for the offences punishable under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('the Act', for short) and sentenced to suffer substantive sentence of 12 years with fine in the sum of Rs.2,00,000/- each with further default sentence. In an appeal preferred therefrom, the High Court found that there was complete infraction of Section 50 of the Act and thus acquitted both the accused of the charge levelled against them.

In the Appeal arising therefrom, the question framed by this Court in para 10 of its decision was under:-

"If a person found to be in possession of a vehicle containing contraband is subjected to

personal search, which may not be in conformity with the requirements under Section 50 of the Act; but

the search of the vehicle results in recovery of contraband material, which stands proved independently;

would the accused be entitled to benefit of acquittal on the ground of non-compliance of Section 50 of the Act even in respect of material found in the search of the vehicle."

After referring to the decision of the Constitution Bench of this Court in *State of Punjab vs. Baldev Singh (1999) 6 SCC 172* and more particularly conclusion no. 3 arrived at therein and after considering the entirety of the matter, this Court found:-

"In the instant case, the personal search of the accused did not result in recovery of any contraband. Even if there was any such recovery, the same could not be relied upon for want of compliance of the requirements of Section 50 of the Act. But the search of the vehicle and recovery of contraband pursuant thereto having stood proved, merely because there was non-compliance of Section 50 of the Act as far as "personal search" was concerned, no benefit can be extended so as to invalidate the effect of recovery from the search of the vehicle. Any such idea would be directly in the teeth of conclusion (3) as aforesaid."

With this view, the Appeal was allowed and the order of conviction was restored. However, the substantive sentence was reduced from 12 years to 10 years while maintaining the sentence of fine and the default sentence unaltered.

We have gone through the Review Petition and do not find any error apparent on record to justify interference in Review Jurisdiction.

This Review Petition is, therefore, dismissed.

.....J.
[UDAY UMESH LALIT]

.....J.
[INDU MALHOTRA]

.....J.
[KRISHNA MURARI]

**NEW DELHI;
APRIL 23, 2020.**

ITEM NO.1002

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

REVIEW PETITION (CRIMINAL) No. _____ (Diary No(s). 43818/2019) in
CRIMINAL APPEAL NO. 1565 OF 2019

BALJINDER SINGH

Petitioner(s)

VERSUS

THE STATE OF PUNJAB

Respondent(s)

(IA No. 187160/2019 - CONDONATION OF DELAY IN FILING REVIEW
PETITION

IA No. 187163/2019 - EXEMPTION FROM SURRENDERING WITHIN TIME)

Date : 23-04-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MS. JUSTICE INDU MALHOTRA
HON'BLE MR. JUSTICE KRISHNA MURARI

By Circulation

UPON perusing papers the Court made the following
O R D E R

Delay condoned.

The Review Petition is dismissed in terms of the signed
order.

Pending applications, if any, stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(PRADEEP KUMAR)
BRANCH OFFICER

(Signed order is placed on the file)