

ITEM NO.24 Court 8 (Video Conferencing) SECTION II-A

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

Petition(s) for Special Leave to Appeal (CrI.) No(s). 2694/2020

(Arising out of impugned final judgment and order dated 09-07-2019 in IA No. 12404/2019 in CRA No.680 of 2016 passed by the High Court Of M.p Principal Seat At Jabalpur)

F. FAKARUDDIN ALI Petitioner(s)

VERSUS

UNION OF INDIA Respondent(s)

( IA No. 43887/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 43888/2020 - EXEMPTION FROM FILING O.T.)

Date : 28-10-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO

HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MR. JUSTICE AJAY RASTOGI

For Petitioner(s) Mr. Raghunatha Sethupathy, Adv.  
Mr. K. Paari Vendhan, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

The petitioner was convicted under Section 9-Ka read with Section 25-Ka, Section 29(1) of the NSPS Act and sentenced to undergo rigorous imprisonment for seven years along with payment of fine of Rs.50,000/-. The appeal filed by the petitioner is pending in the Madhya Pradesh High Court. The fourth application filed by the petitioner for suspension of sentence was dismissed by an Order dated

09.07.2019 against which this special leave petition has been filed. Mr. Raghunatha Sethupathy, learned counsel appearing for the petitioner submitted that the petitioner has undergone 5 years 8 months actual imprisonment till date. He stated that ingredients of Section 9-Ka read with Section 25-Ka, Section 29(1) of the NSPS Act have not been made out and he has a good case on merits. He submitted that there is no likelihood of the appeal being heard in the near future.

Though, we are not inclined to interfere with the order passed by the High Court. Taking into account the fact that the petitioner has undergone 5 years 8 months sentence, we request the High Court to decide the appeal expeditiously not later than three months from today. In case, the appeal is not disposed of within three months, the petitioner is at liberty to file an application for suspension of sentence which shall be considered by the High Court in accordance with law.

The special leave petition is dismissed. Pending application(s), if any, shall stand disposed of.

(Geeta Ahuja)  
Court Master

(Anand Prakash)  
Court Master