

THE HIGH COURT OF MEGHALAYA

Crl Petn No. 65 of 2013

Shri Armstrong Nongbet, resident of Mawpdang Village, East Khasi Hills District, Meghalaya, (Grandfather of the accused Shri Gideon Syiem)

..... **Petitioner**

-Versus-

Union of India, represented by Shri Rakesh Kumar, Inspector, Headquarters, Customs Preventive Unit, Office of the Commissioner of Customs, North Eastern Region, Shillong, Meghalaya.

..... **Respondents**

Shri S Chakraborty, Advocate, present for the applicant/petitioner

Smti T Yangi, Advocate, present for respondent

Date of Judgment and Order 17th December, 2013

JUDGMENT AND ORDER

ORAL: HON'BLE PRAFULLA C. PANT, CHIEF JUSTICE

By means of this petition moved under Section 482 Code of Criminal Procedure 1973, the petitioner has sought that the charge framed against the petitioner's grandson Gideon Syiem in Criminal (NDPS) Case No. 05 of 2011, pending before the Special Judge (NDPS), East Khasi Hills District, Shillong, be quashed

2. Heard.

3. A complaint has been filed by the Inspector of Preventive Branch of Customs, North Eastern Region, Shillong against Gideon Syiem (Grandson of the present petitioner) and one Sam Nneji Chukwuemeka, after 645 grams of brown sugar found concealed in

five ladies purses was intercepted and seized from Fedex Express Pvt. Ltd. (courier service) on 22.08.2011. The consignment was being sent to Netherlands. The allegation against the accused Gideon Syiem is that he booked the consignment. The Inspector of Customs filed the criminal complaint. After hearing the parties, the trial Court has framed charge in respect of offences punishable under Section 8 read with Section 21, 22, 23 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.

4. Learned counsel for the petitioner submitted that after the consignment was booked, for four days, the consignment remained with the Fedex Express Service and involvement of another some third person in keeping the brown sugar in the ladies purses cannot be ruled out.

5. Having heard the learned counsel for the parties and after going through the paper and records, considering the facts and circumstances of the present case, this Court is of the view that it is neither a case of abuse of process of law nor can it be said that ingredients of the offence for which the petitioner's grand son charged, are not made out for framing of the charge.

6. Therefore, without expression any opinion as to the final merits of the case pending before the trial Court, this petition under Section 482 CrPC is dismissed summarily.

CHIEF JUSTICE

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17.12.13