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Cr1.A.No. 917 OF 2002

.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp

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Item No.105

Court No.7

Section II

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

CRIMINAL APPEAL NO.917 OF 2002.@@
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Sarada ...Appellant(s)

Vs.

State of Kerala ...Respondent(s)

Date:08/04/2003 This matter(s) was called on for hearing today.

CORAM:
HON'BLE MR.JUSTICE Y.K. SABHARWAL
HON'BLE MR.JUSTICE H.K. SEMA

For the appellant(s) : Mr.Robson Paul,Adv.
Mr.VK Sidharthan,Adv.

For the respondent(s) : Mr.Ramesh Babu MR,Adv.

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

.SP2
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The learned counsel for the appellant commenced his arguments at 11.55 a.m. and concluded within 15 minutes followed by a short reply of the learned counsel for the respondent.

The appeal is dismissed in terms of the signed order.

.SP1

[Naresh Kumar]
Court Master

[VP Tyagi]
Court Master

[Signed order is placed on the file.]

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.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp
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.PL57

CRIMINAL APPEAL NO. 917 OF 2002@@
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Sarada ...Appellant

Vs.

State of Kerala ...Respondent

O R D E R@@
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The only point urged in this appeal is about the validity of the search. The contention raised is that the search was conducted though by a woman but the woman conducting the search was a police constable and thus not duly authorised under Section 42 of the Narcotic Drugs & Psychotropic Substances Act. We find no substance in the contention. On the facts found, Section 42 has no applicability. Sub-section (3) of Section 100 of Cr.P.C. does not stipulate that the search shall be by an official superior in rank to a constable. It is not disputed that the appellant was searched by a woman. There is no illegality in the search. The contention is, therefore, rejected. There is no merit in the appeal. It is accordingly dismissed.

.SP1

.....J.
[Y.K. SABHARWAL]

New Delhi,
April 08, 2003.@@
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.....J.
[H.K. SEMA]