

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2024
(@ SLP(CRL.) No.5648/2019)

DIRECTORATE OF REVENUE INTELLIGENCE

APPELLANT(S)

VERSUS

ANNABELLE ANLISTA MALIBAGO

RESPONDENT(S)

WITH

CRIMINAL APPEAL NO. _____ OF 2024
(@ SLP(CRL.) No.5894/2019)

O R D E R

Leave granted.

As rightly submitted by both the counsel that on a reference, the question of law based upon which the impugned judgment was passed has been reversed by the Constitution Bench of this Court in '*Mukesh Singh Vs. State (Narcotic Branch of Delhi)*', reported in (2020) 10 SCC 120 in favour of the State.

In such view of the matter, the impugned orders are set aside and matters are remitted back to the High Court for fresh consideration and to be decided on merit.

The appeals are allowed accordingly.

Pending application(s), if any, shall stand disposed of.

.....J.
[M.M. SUNDRESH]

.....J.
[S.V.N. BHATTI]

NEW DELHI;
8th JANUARY, 2024

ITEM NO.59

COURT NO.14

SECTION II-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 10406/2023

(Arising out of impugned final judgment and order dated 08-04-2016 in CRLA No. 1598/2013 passed by the High Court of Delhi at New Delhi)

MUKESH SINGH

Petitioner(s)

VERSUS

STATE (NARCOTIC BRANCH OF DELHI)

Respondent(s)

(IA No. 154077/2018 - CONDONATION OF DELAY IN FILING
IA No. 154080/2018 - EXEMPTION FROM FILING O.T.)

WITH

SLP(Crl) No. 5648/2019 (II-C)

SLP(Crl) No. 5894/2019 (II-C)

SLP(Crl) No. 8499/2019 (II-A)

(IA No. 164481/2022 - GRANT OF BAIL)

Date : 08-01-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE S.V.N. BHATTIFor Petitioner(s) Mr. Rajiv Shankar Dvivedi, AOR
Mr. Ajay Garg, Adv.
Mr. S.K. Sarkar, Adv.
Mr. Rishabh Jain, Adv.
Mr. Abinash Kumar, Adv.
Ms. Tripti Gola, Adv.
Ms. Lhingdeihat Chongloi, Adv.

Mr. Shikhil Suri, Adv.
Mrs. Madhu Suri, Adv.
Ms. Jyoti Suri, Adv.
Ms. Vidushi Jain, Adv.
Ms. Wamika Chadha, Adv.
Ms. Vidhi Kapoor, Adv.
Mr. T. R. B. Sivakumar, AOR

Ms. Aishwarya Bhati, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mr. Rajat Nair, Adv.

Mr. Kanu Agarwal, Adv.
 Ms. Shradha Deshmukh, Adv.
 Ms. Chinmayee Chandra, Adv.
 Mr. Ashok Panigrahi, Adv.

For Respondent(s) Ms. Poornima Singh, Adv.
 Mr. Mukesh Kumar Maroria, AOR
 Mr. Shardha Deshmukh, Adv.
 Mr. Kanu Agarwal, Adv.
 Mr. Rajat Nair, Adv.
 Mr. Sourab Mishra, Adv.
 Mr. Siddhant Kohli, Adv.

Ms. Rukhmini Bobde, Adv.
 Mr. Pashupathi Nath Razdan, AOR
 Ms. Maitreyee Jagat Joshi, Adv.
 Mr. Astik Gupta, Adv.
 Ms. Akanksha Tomar, Adv.
 Mr. Ankit Ambasta, Adv.
 Ms. Soumya Priyadarshinee, Adv.
 Mr. Amit Srivastava, Adv.
 Mr. Argha Roy, Adv.

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

SLP(Crl) No. 5648/2019 & SLP(Crl) No. 5894/2019:

Leave granted.

The appeals are allowed in terms of the signed order.

Pending application(s), if any, also stand disposed of.

SLP(Crl) No.10406/2023:

List the matter on 02.02.2024 so as to enable the learned counsel for the State to get instructions as to whether the petitioner has already served the period of sentence excluding the sentence imposed in lieu of fine.

SLP(Crl) No. 8499/2019:

Parties are directed to give two pages of synopsis enclosing the judgments covering the issue of Section 52A of the NDPS Act.

List on 02.02.2024.

(SWETA BALODI)
COURT MASTER (SH)

(POONAM VAID)
COURT MASTER (NSH)

(Signed order is placed on the file)