

ITEM NO.20

COURT NO.8

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

Petition(s) for Special Leave to Appeal (Crl.) No(s).14267/2023

(Arising out of impugned final judgment and order dated 23-06-2023 in CRLMA No. 1/2022 passed by the High Court Of Kerala At Ernakulam)

HYDER

Petitioner(s)

VERSUS

STATE OF KERALA

Respondent(s)

(IA No.227780/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 06-11-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE SANJAY KAROLFor Petitioner(s) Mr. Ritesh Kumar Chowdhary, AOR
Mr. Niyas Valiyathodi, Adv.

For Respondent(s)

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

Heard Mr. Ritesh Kumar Chowdhary, the learned counsel appearing for the petitioner.

2. The counsel submits that the petitioner who faced prosecution in a NDPS case was acquitted on 10.12.2018 by the Special Court. The said acquittal was based on the law declared by this Court in *Mohan Lal vs. State of Punjab* reported in (2018) 17 SCC 627. However, because of the change of law declared in *Mukesh Singh vs.*

State (Narcotic Branch of Delhi) reported in (2020) 10 SCC 120, the prosecution filed an appeal after delay of 1184 days to challenge the acquittal order.

3. It is submitted by the learned counsel that subsequent change of law cannot be a ground for condonation of delay or to disturb the acquittal finding. But the High Court under impugned order dated 23.06.2023 has not only condoned the huge delay of 1148 days but also decided to consider the Prosecution's appeal, on merit.

Issue notice, returnable in six weeks. In the meantime, further proceeding is stayed in pursuant to the impugned order dated 23.06.2023

(DEEPAK JOSHI)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR