

SUNDERBHAI AMBALAL DESAI

v.

STATE OF GUJARAT

NOVEMBER 18, 2002

[M.B. SHAH AND D.M. DHARMADHIKARI, JJ.]

Code of Criminal Procedure, 1973:

Ss. 451 and 452—Custody and disposal, during inquiry or trial, of property seized by police—Held, in view of directions given on 1/10/2002 no further directions are required—However, in a case where accused disputes his involvement in the incident and no article was found from him then such endorsement be taken on the photograph—As regards vehicles, there may not be any necessity of producing the vehicle before the court and the seizure report may be sufficient.*

***Sunderbhai Ambalal Desai v. State of Gujarat, AIR (2003) SC 638, referred to.**

CRIMINAL APPELLATE JURISDICTION : Special Leave Petition (Crl.) No. 2745 of 2002.

From the Judgment and Order dated 20.6.2002 of the Gujarat High Court in Crl. R.A. No. 241 of 2002.

WITH

S.L.P. (Crl.) No. 2755 of 2002.

Ujwal Kumar Jha, Aslam Ahmed, Ranjan Kumar Jha, Nakul Dewan and Ejaz Maqbool, for the Petitioner.

S.K. Dholakia and Ms. Hemantika Wahi, for the Respondent.

The following Order of the Court was delivered :

Heard learned counsel for the parties.

In our view, no further directions are required to be given in these

A matters. However, it is made clear that in case where accused dispute that he is not involved in the alleged incident and no article was found from him then such endorsement be taken on the photograph. Further with regard to the vehicle also, it is made clear that there may not be any necessity of producing the vehicle before the Court and the Seizure Report may be sufficient. The Special Leave Petitions are disposed of, accordingly.

B

R.P.

Petitions disposed of.