
(2007) 02 P&H CK 0024

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 63845-M of 2006

Parkash and Others

APPELLANT

Vs

Sate of Haryana and Others

RESPONDENT

Date of Decision : 22-02-2007

Acts Referred:

Constitution of India, 1950 — Article 161

Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS) — Section 32A

Citation : (2007) 2 RCR(Criminal) 275

Hon'ble Judges : Surya Kant, J

Bench : Single Bench

Advocate : Suram Singh Rana, for the Appellant; B.S. Baath, Asstt. Advocate General, Punjab, for the Respondent

Final Decision : Dismissed

Judgement

Surya Kant, J.—The Petitioners, who are convicts under the NDPS Act, seek a direction to the Respondents not to withdraw the remissions granted to them from time to time under paras 633-A, 639, 644 of the Punjab Jail Manual. The Respondents, however, have defended their action with the plea that the Petitioners are not entitled to any remission in view of Section 32-A of the NDPS Act.

2. It is not the case of the Petitioners that any remission has been awarded to them by the Governor of Haryana in exercise of his powers under Article 161 of the Constitution of India. As per their own case, remissions were granted to them under certain provisions of the Punjab Jail Manual, which is of statutory nature.

3. Section 32-A of the NDPS Act, which starts with a non obstante clause, expressly prohibits suspension, remission or commutation of any sentence awarded under the NDPS Act. The provision has overriding effect, notwithstanding anything contained in the Code of Criminal Procedure "or any other law for the time being in force."

Otherwise also, in the event of any conflict between the State Legislation and the Central Legislation, the latter shall have precedence.

Consequently, I do not find any merit in this petition, which is, accordingly dismissed.