

CRR-607-2007

[1]

In the High Court of Punjab and Haryana at Chandigarh

CRR-607-2007

Date of Decision:18.11.2015

Payare Lal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Sanjay Vashisth, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

SABINA, J.

Petitioner had faced trial in a complaint under Sections 27(b)(ii) and 28 of the Drugs and Cosmetic Act, 1940. Trial Court vide judgment/order dated 08.11.2004/09.11.2004 ordered the conviction and sentence of the petitioner under Sections 27(b)(ii) and 28 of the Act. Aggrieved against the said judgment/order of his conviction and sentence, petitioner preferred an appeal and the same was dismissed by the Appellate Court vide order dated 19.03.2007. Hence, the present petition.

Prosecution story, in brief, is that some allopathic medicines were recovered from the shop of the petitioner,

CRR-607-2007

[2]

although, he had no licence to sell the same. Petitioner was an Ayurvedic Practitioner.

Learned counsel for the petitioner has submitted that in fact the medicines in question had been brought by the son of the petitioner who was working as a Pharmacist with M/S New Arora Medical Hall. In this regard, petitioner had examined his son Subhash in his defence evidence. Son of the petitioner had produced on record the bills with regard to the purchase of the medicines in question i.e. Exhibit D-2 and Exhibit D-3 dated 16.08.1997. Son of the petitioner had left the bag containing the medicines in the shop of the petitioner and the same were, in fact to be handed over to M/S New Arora Medical Hall. As per 'Mark A', petitioner Subhash son of the petitioner was the competent person of M/S New Arora Medical Hall. Be that as it may, learned counsel has submitted that he does not challenge the conviction of the petitioner under Section 27(b)(ii) and 28 of the Act but has submitted that sentence qua imprisonment of the petitioner be reduced to the period already undergone by him. Learned counsel for the petitioner has submitted that petitioner was now aged about 70 years and was facing the criminal proceedings since the year 1997. Petitioner was not a previous convict.

Keeping in view the submissions made by learned

CRR-607-2007

[3]

counsel for the petitioner and the facts and circumstances of the present case, it would be just and expedient to reduce the sentence qua imprisonment of the petitioner to the period already undergone by him.

Accordingly, conviction of the petitioner under Sections 27(b)(ii) and 28 of the Act is maintained. However, sentence qua imprisonment of the petitioner is reduced to the period already undergone by him.

Petition stands disposed of accordingly.

**(SABINA)
JUDGE**

November 18, 2015

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