

In the High Court of Punjab and Haryana at Chandigarh

CRR No.3520 of 2015 (O&M)
Date of decision: 18.09.2015

Ran Singh Thaken

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr.Vinod S.Bhardwaj,Advocate for the petitioner.

SABINA, J.

Petitioner had faced trial in a complaint filed under Section 18(c) read with Rule 61 punishable under Section 27(b)(ii) , Section 18-A and Section 28 of the Drugs and Cosmetic Act ,1940 ('the Act' for short). Trial Court vide judgment/order dated 7.2.2014/10.2.2014 ordered the conviction and sentence of the petitioner qua commission of offence punishable under Sections 27 (b)(ii) and 28 of the Act. The said judgment/order of conviction and sentence of the petitioner were upheld in appeal by the appellate Court vide order dated 10.09.2015. Hence, the present revision petition by the petitioner.

Learned counsel for the petitioner has submitted that the

petitioner has been falsely involved in this case. The Courts below had erred in disbelieving the testimony of DW1.

The case of the complainant, in brief, was that on 14.5.2008, complainant along with other officials had inspected the hospital in question. Petitioner had alleged that he was a registered medical practitioner from Ayurvedic and Unani Board Bihar but had failed to produce any certificate in this regard. Various allopathic drugs were recovered from the hospital but the petitioner had failed to produce any licence authorizing him to stock medicines for sale.

Complainant-Raman Kumar, Drugs Control Officer appeared in the witness box as PW1 and deposed as per the contents of the complaint. PW2 Dr. R.C.Goyal and PW3 Miya Singh corroborated the statement of the complainant.

Petitioner in his defence examined DW1 Dr. Ram Kumar Sahniwal, who deposed that he was qualified BAMS and placed on record a copy of his degree Exhibit D15 and a copy of the registration certificate Exhibit D16. He also placed on record bills Exhibits D1 to D14 and deposed that he was working as a Doctor in M/s Sunehari Devi Memorial Azad Hospital since 2007. The statement of DW1 was rightly discarded by the Courts below as the said witness had failed to lead any documentary evidence to support his plea that he was practising as a Doctor in the abovesaid hospital, as alleged, by him. It has been noticed by the Courts below that so far as agreement Exhibit D18 is concerned, the same was an affidavit sworn by DW1 and the same did not bear any date. Hence, the Courts below had rightly held that the statement of DW1 failed to

advance the case of the petitioner and he had been introduced as a witness at the later stage to help the petitioner.

After appreciating the evidence on record, the Courts below rightly came to the conclusion that the petitioner had stocked 18 kinds of allopathic drugs without any licence authorizing him to sell the same. Hence, the conviction of the petitioner under Sections 27(b)(ii) and 28 of the Act is liable to be upheld.

Keeping in view the seriousness of the allegations levelled against the petitioner, no ground for interference is made out.

Dismissed.

**(Sabina)
Judge**

September 18, 2015

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