

**111 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRR No.1362 of 2016 (O&M)
Date of Decision: May 02, 2016**

Lalit Mohan and others Petitioners

vs.

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Saleem Ahmed, Advocate for
Mr. Anil Goel, Advocate for the petitioner.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

CRM-11519-2016

There is delay of 457 days in filing the present revision petition.

For the reasons mentioned in the application, delay of 457 days in filing the present revision petition is condoned, subject to all just exception.

Application stands disposed of.

Main Case

Impugned in the present revision petition is the summoning order dated 25.09.2014 passed by learned Chief Judicial Magistrate, Faridabad. Also impugned is the order dated 09.07.2015 passed by learned Addl. Sessions Judge, Faridabad, vide which the petitioners are charge-sheeted under Section 18(c) punishable under Section 27 b (ii) of Drug and Cosmetic Act, 1940.

I have heard learned counsel for the petitioners and have also carefully gone through the case file.

Learned counsel for the petitioners contends that the petitioners are running a nursing home and the drugs were meant for sale to the patients. Storing of the drugs is not an offence.

Learned counsel for the petitioners has also referred to the Rule 123 (Annexure P-5).

A perusal of the complaint shows that the allegations against the petitioner are that they were running a medicine store in the basement of M/s Vandana Nursing Home, 423, Sector 22, Faridabad, without having any licence for the same.

Prima facie if the drugs are stored, these should be stored at the place, where the doctor is working and not in the basement.

The claim of the petitioners are that the drugs were kept for sale to the patients, thus, did not require any licence.

During trial, at the stage of framing of charge, the court is to view the case from a very narrow compass. If the said principal is applied, it cannot be said that the summoning order and the order of framing of the charges are patently illegal or illegal exercise of jurisdiction or without jurisdiction.

Thus, there is no ground to interfere in the impugned orders.

Accordingly, the present revision petition stands dismissed.

(KULDIP SINGH)
JUDGE

May 02, 2016
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