

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Revision No.3915 of 2015 (O&M)

.....

Date of decision:19.2.2016

Gurjant Singh

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. P.S. Sekhon, Advocate for the petitioner.

Ms. Shivali, Assistant Advocate General, Punjab for the
respondent-State.

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Inderjit Singh, J.

This criminal revision petition has been filed under Section 401 Cr.P.C. challenging the impugned judgment dated 21.9.2015 passed by learned Sessions Judge, Sangrur, whereby the appeal filed against the impugned judgment of conviction and order of sentence dated 3.10.2013 passed by learned Chief Judicial Magistrate, Sangrur, convicting the petitioner for the offences under Sections 18(c) of the Drugs and Cosmetics Act, 1940 (hereinafter referred to as 'the Act'), which is punishable under Section 27(b)(ii) of the Act and under Section 18-A of the Act, which is punishable under Section 28 of the Act and sentencing him to undergo rigorous imprisonment for one year and to pay fine of ₹5,000/- and in

default of payment of fine to further undergo rigorous imprisonment for fifteen days under Section 27(b)(ii) of the Act and to undergo rigorous imprisonment for one year and to pay a fine of ₹1,000/- and in default of payment of fine to further undergo rigorous imprisonment for fifteen days under Section 28 of the Act, has been dismissed. However, the sentences have been ordered to run concurrently.

The brief facts of the case are that on 30.4.2008 at 2.00 p.m., Ms. Kamal Kamboj, the then Drugs Inspector, Sangrur along with Dr. G.S. Mann, Medical Officer, Mini PHC, Garachaon and Shri Amarjit Sharma, S.I., Mini PHC, Garachaon inspected the shop/firm of Gurjant Singh son of Narata Singh in the presence of accused Gurjant Singh, who was present as In-charge of the shop/firm. During the course of inspection, accused Gurjant Singh was found stocking and exhibiting 26 types of allopathic drugs for sale and distribution in his shop. On enquiry, he could not produce any valid drug sale licence as per requirement of Section 18(c) of the Act and he did not produce any registered medical practitioner certificate, which could authorize him to stock allopathic drugs for sale and distribution in his shop and he did not produce the sale and purchase records as required under Section 18-A of the Act.

At the time of preliminary hearing, learned counsel for the petitioner did not dispute the concurrent findings of fact recorded by the Courts below. He prayed only for the reduction of sentence. Therefore, notice of motion only qua quantum of sentence was issued.

Ms. Shivali, learned Assistant Advocate General, Punjab, has

put in appearance on behalf of the respondent-State and contested this revision petition.

Today also, the learned counsel for the petitioner prayed for the reduction of sentence of the petitioner.

At the time of arguments, learned counsel for the petitioner argued that the petitioner is a poor person, only bread earner of the family and first offender and prayed for taking a lenient view.

I have heard learned counsel for the petitioner as well as learned Assistant Advocate General, Punjab and have gone through the record.

In view of the fact that the petitioner is the first offender, poor person and only bread earner of the family and further that he is facing long protracted criminal proceedings, I reduce the sentence of imprisonment of the petitioner and he is ordered to undergo rigorous imprisonment for seven months each instead of one year each under Sections 27(b)(ii) and 28 of the Act. The sentence of fine and sentence in default of payment of fine will remain the same.

With the above modification in sentence of imprisonment, the criminal revision petition is disposed of.

February 19, 2016.

(Inderjit Singh)
Judge

hsp