

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

**Criminal Revision No.4780 of 2016 (O&M)
Date of Decision : 22nd December, 2016**

Gopal Krishan and another

..... Petitioner

Versus

State through Drug Inspector, Moga

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Brijeshwar Singh Bhalla, Advocate
for the petitioners.

AJAY TEWARI, J. (Oral)

The petitioners have preferred the instant revision petition against the judgment dated 25.11.2016, passed by the learned Additional Sessions Judge, Moga, dismissing their appeal against the judgment of conviction and order of sentence dated 29.01.2016, passed by the learned Chief Judicial Magistrate, Moga, vide which they were convicted and sentenced under Sections 27(b)(ii) and 28 of the Drugs & Cosmetics Act, 1940 (in short 'the Act).

As per the FIR, Drug Inspector, Moga raided shop M/s Kaura Medical Store, Old Bus Stand, Dharamkot and found that the petitioners-accused had stocked a huge quantity of drugs for sale and distribution at the said shop without any permit or licence.

Both the learned Courts below held that the allegation against the petitioners was that they were running the shop without having a

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chemist licence. Both the learned Courts below have specific findings of fact about the allegations.

Learned counsel for the petitioners has argued that the petitioners have been implicated because petitioner No.1 had appeared as a witness against some police persons in a corruption case and as regards petitioner No.2 there was evidence of DW1 who stated that petitioner-accused Tarun Kumar was an employee with him.

As mentioned above, both the Courts below have recorded pure findings of fact. Learned counsel for the petitioners has not been able to persuade this Court that these findings of fact suffer from any infirmity. In these circumstances, the conviction is upheld.

Learned counsel for the petitioners has further argued that the petitioners are the first offenders and are the only bread winner of their family and, therefore, the sentence awarded to them should be reduced.

These facts have already been considered by the learned Courts below while imposing the sentence.

Therefore, finding no merit in the instant petition, the same is dismissed.

(AJAY TEWARI)
JUDGE

22nd December, 2016

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Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No