

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

CRR-445-2009 (O&M)

Date of decision: 06.07.2017

Mahender Singh**.....Petitioner****versus****State of Haryana****.....Respondent****CORAM: Hon'ble Mr.Justice Kuldip Singh**

Present: Mr.B.S.Bairagi, Advocate for the petitioner
Mr.D.R.Singla, Deputy Advocate General, Haryana

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)

Custody certificate dated 5.7.2017 filed in Court is taken on record.

Petitioner was convicted under Section 27B(ii) and Section 28 of the Drugs and Cosmetics Act, 1940 vide judgment of conviction dated 21.9.2006 and order of sentence dated 22.9.2006 passed by learned Chief Judicial Magistrate, Hisar as under:-

<i>Name of accused</i>	<i>Sections</i>	<i>Sentence</i>
<i>Mahinder</i>	<i>27b(ii)</i>	<i>1 ½ years Rigorous Imprisonment and to pay a fine of Rs.5000 (for non payment of fine six months Simple Imprisonment)</i>
	<i>28</i>	<i>Six months Rigorous Imprisonment and to pay a fine of Rs.500 (for non payment of fine six months Simple Imprisonment)</i>

Both the sentences were to run concurrently.

Learned counsel for the petitioner has prayed that sentence under Section 27b(ii) of the Drugs and Cosmetics Act, 1940 may be reduced

to the minimum sentence provided for the offence i.e. one year. Custody certificate shows that the petitioner has already undergone actual sentence of two months and 13 days.

Considering the nature, facts and circumstances, the sentence of Rigorous Imprisonment for 1 ½ years under Section 27B(ii) of the Drugs and Cosmetics Act, 1940 is reduced to R.I. For one year.

With the above noted modification, the revision petition is dismissed.

06.07.2017*gk***(Kuldip Singh)
Judge**

Whether speaking/ reasoned: Yes

Whether Reportable: No