

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR 1007-2017(O&M)
Date of decision: 01.11.2017

Piara Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Nitin Rampal, Advocate for the petitioner
Ms.Monika Jalota, DAG Punjab

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)

Heard.

Notice of motion was issued vide order dated 16.3.2017 in the present revision only on the point of quantum of sentence.

Lower Court record has been received and examined. Allegations against the petitioner are that he was keeping stock of allopathic drugs for sale and distribution in his shop namely, M/s Dashmesh Medical Store, village Madi Mastua, Tehsil Baghapurana, District Moga, for which, he had not drug sale licence. Petitioner was convicted under Section 27 b (ii) of the Drugs and Cosmetic Act, 1940 and sentenced to undergo Rigorous Imprisonment for one year and fine of Rs.5000/-, in default thereof, further imprisonment for one month. He was also convicted under Section 28 of the Drugs and Cosmetic Act, 1940 and sentenced to undergo Rigorous Imprisonment for one year vide judgment of conviction and order

of sentence dated 2.8.2013 passed by learned Chief Judicial Magistrate, Moga. Both the sentences were directed to run concurrently. Custody certificate on file shows that the petitioner who is in custody till date has undergone actual sentence 6 months and 29 days as on 31.10.2017, which, as on today comes to 7 months. As per custody certificate, petitioner is not a previous convict nor any other case is pending against him. Admittedly, the petitioner was running a medical store. However, for certain drugs he did not have licence. Under Section 27b of the Drugs and Cosmetic Act, 1940, minimum sentence provided for the offence is one year. However, for adequate and special reasons recorded in the judgment, less than the minimum sentence can be imposed. Under Section 28 of the Drugs and Cosmetic Act, 1940, there is no minimum sentence.

Considering the entirety of circumstances and the fact that the petitioner has already undergone the imprisonment for about seven months and that he is not a previous convict and first offender, sentence of Rigorous Imprisonment for one year under Sections 27(b) and 28 of the Drugs and Cosmetic Act, 1940 is hereby reduced to the Rigorous Imprisonment for nine months each. Remaining part of the sentence is maintained.

With above modification, the present revision petition stands dismissed.

01.11.2017

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No