

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-27239-2017 in/and

CRR-3038-2017 (O&M)

Date of decision: 01.09.2017

RAJESH KUMAR

..... Petitioner

Vs.

STATE OF PUNJAB

.....Respondent

CORAM: **HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Mr. Dixit Garg, Advocate,
 for the petitioner

1. *Whether the Reporters of local newspaper may be allowed to see the judgment?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest?*

KULDIP SINGH J. (ORAL)

CRM-27239-2017

The present application under Section 5 of the Limitation Act has been filed for condonation of delay of 25 days in filing the present criminal revision.

For the reasons enumerated in the application, the same is allowed. Delay of 25 days in filing the present criminal revision is hereby condoned subject to all just exceptions.

CRR-3038-2017 (O&M)

Vide judgement of conviction and order of sentence dated 17.03.2014 passed by the Chief Judicial Magistrate, Pathankot, the petitioner has been convicted under Sections 18 (C) and 18 (A) of the Drugs and Cosmetic Act, 1940 and sentenced to undergo as under: -

Rigorous imprisonment for a period of six months under Section 18 (A) of the Drugs and Cosmetic Act, 1940.

Rigorous imprisonment for a period of one year and to pay fine of ₹5,000/- under Section 18 (C) of the Drugs and Cosmetic Act, 1940. In default of

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payment of fine, he shall further undergo rigorous imprisonment for a period of one month.

However, both the sentences were directed to run concurrently.

In an appeal, learned Additional Sessions Judge, Pathankot vide judgment dated 27.04.2017 acquitted the petitioner qua Section 18-A of the Drugs and Cosmetic Act, 1940. However, his conviction under Section 18(C) of the said act was maintained.

Notice of motion.

Mr. C.L. Pawar, Sr. DAG, Punjab, present in the Court today, accepts notice on behalf of the respondent.

Learned counsel for the petitioner presses the present revision only on the point of quantum of sentence.

The perusal of the judgment of the lower appellate Court shows that the petitioner was not having any licence for the period w.e.f. 31.12.1997 till 2006 and even then he was selling the drugs.

However, considering the facts and circumstances of the present case, the sentence of rigorous imprisonment for a period of one year under Section 18 (C) of the Drugs and Cosmetic Act, 1940 is ordered to be reduced to the sentence of rigorous imprisonment for a period of nine months under the said Section.

With the above mentioned modification in quantum of sentence, the present revision stands dismissed.

September 1, 2017
Suresh Kumar

(KULDIP SINGH)
JUDGE

Whether speaking / reasoned	:	✓ Yes	/	No ✓
Whether Reportable	:	Yes	/	No