

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.128

CRR-2308-2018 (O&M)
Date of decision : 18.07.2018

Pardeep Bansal Petitioner

VERSUS

State of Punjab Respondent

CORAM: HON’BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Deepak Aggarwal, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The petitioner is a dealer of Ayurvedic drugs. Complaint was filed against him under the Drugs and Cosmetics Act, 1940 (hereinafter referred to as ‘the Act’), for un-authorisingly being found in possession of Allopathic drugs. Accordingly, after trial he has been convicted under the relevant provisions of the Act and sentenced as follows:-

Name of the convict	Sentence under Section	RI awarded	Fine	I/D of payment of fine
Pardeep Bansal	27(b)(ii)	One year	Rs.5,000/-	To further undergo SI for two months
	28	Six months	Rs.1,000/-	To further undergo SI for one month

Sentences have been ordered to run concurrently.

His appeal has also been rejected.

Learned counsel for the petitioner submits that on the date of passing the order of sentence, another order was passed and the same is reproduced below:-

“At this stage, it has come to my notice that in the order of sentence in offence under Section 28 of the Drugs and Cosmetics Act, 1940, fine of Rs.1000/- has been mentioned, but actually while awarding the sentence, the fine has been imposed only Section 27(b) (ii) of the Act and not under Section 28 of the Act. The index of the file clearly predicts the same and

even Reader of the Court also noted down the find only under Section 27(b) (ii) of the Act and not in offence under Section 28 of the Act. So, the order of sentence is rectified and now same be read as under:

Name of the convict	Sentence under Section	RI awarded	Fine	I/D of payment of fine
Pardeep Bansal	27(b)(ii)	One year	Rs.5,000/-	To further undergo SI for two months
	28	Six months	-	

In this order, it has not been mentioned that the sentences are to run concurrently. This error has not been corrected by the appellate Court as well.

Thus, the order of sentence dated 16.12.2016 is clarified to the extent that sentences imposed upon the petitioner shall run concurrently.

With the aforementioned clarification, the revision petition is dismissed.

(SUDHIR MITTAL)
JUDGE

18.07.2018.
Ramandeep Singh
Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No