

290 CRR-1009-2019 (O&M)

DINESH KUMAR V/S STATE OF HARYANA

Present: Mr. Manoj Kaushik, Advocate for the petitioner(s).

Ms. Tanisha Peshawaria, DAG, Haryana.

The petitioner has challenged the judgments and orders of the Courts below whereby he has been convicted under Section 420 read with Section 120-B of the Indian Penal Code ('IPC' - for short) besides Sections 18 and 27 of the Drugs Act and has been sentenced to undergo rigorous imprisonment for three years and pay a fine of ₹1,000/- for the offence under Section 420 read with Section 120-B IPC; besides, undergo rigorous imprisonment for three years and pay a fine of ₹1,000/- for the offence under Section 120-B IPC. All the sentenced have been ordered to run concurrently.

Learned counsel for the petitioner contends that the allegations against the petitioner are that he was selling drugs, which were meant for ESI supply and some of the medicines had expired. He also contends that the Courts below have relied upon the disclosure statement of the petitioner in convicting him, which is inadmissible in law. It is not the case of the prosecution that that the petitioner was selling spurious drugs or was otherwise not a licenced chemist. He also contends that the revision petitions, i.e. CRR No.692 of 2019 and CRR No.773 of 2019, of the similarly situated co-accused, namely, Suraj Mal and Sati Ram had already been admitted by a Coordinate Bench of this Court by orders dated 19.03.2019 and 01.04.2019, respectively. The petitioner has undergone actual sentence of imprisonment of 2½ years out of the total sentence of three years.

Revision petition is admitted to be heard with CRR-692-2019.

The sentence of the petitioner shall remain suspended during the pendency of the petition. He shall be released on bail subject to his furnishing bonds to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate.

(ANUPINDER SINGH GREWAL)
JUDGE

30.05.2019.
SwarnjitS