

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Revision No. 1968 of 2018 (O&M)
Date of Decision: January 16, 2019

Ramphal

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Rajiv Goel, Advocate
for the petitioner

Mr. Luvinder Sofat, AAG Punjab

Sudhir Mittal, J. (Oral)

Complaint dated 28.04.2010 under Sections 18(c) and 18-A of the Drugs & Cosmetics Act, 1940, was filed by the State through Drug Inspector, Mansa against the petitioner in the Court of Chief Judicial Magistrate, Mansa. On appearance of the petitioner, notice of accusation was served upon him to which he pleaded not guilty and claimed trial and thereafter upon completion of trial, the petitioner was held guilty and convicted and sentenced as under:-

Under Section	Sentence
27(b)(ii) of the Drugs & Cosmetics Act	SI for one year and to pay a fine of Rs. 5000/- and in default of payment of fine to further undergo SI for one month
28 of the Drugs & Cosmetics Act	Payment of fine of Rs. 1000/-

2. Aggrieved against the judgment of conviction and order of sentence, the petitioner preferred an appeal and vide impugned judgment dated 13.04.2018 passed by the learned Additional Sessions Judge, Mansa, the same was dismissed and the petitioner – Ramphal was taken into custody and sent to jail for serving his remaining part of the sentence. Hence, the present revision petition.

3. Notice of motion was issued inasmuch as learned counsel for the petitioner contended that the petitioner is a first offender having no criminal record and prayed for his release on probation.

4. Today, learned counsel for the petitioner submits that the petitioner is the only bread winner of the family and without contesting the matter on merits, prayed for lenient view in the matter of sentence of the petitioner.

5. Custody certificate of the petitioner dated 16.01.2019 prepared by Sh. Inderjeet Singh Kahlon, Officiating Superintendent, District Prison, Mansa, has been filed in the Court today by the learned State counsel, which is taken on record.

6. A perusal of the custody certificate of the petitioner shows that he has been in custody since 13.04.2018 i.e. the date of dismissal of his appeal by the learned Additional Sessions Judge, Mansa and thus as on date, he has undergone sentence of seven months and twenty days and that no criminal case is pending or decided against him.

7. Keeping in view the fact that one of the objectives of the criminal jurisprudence is to reform a convict as also the facts and circumstances of the case, I feel that the petitioner has been adequately punished and is entitled to the reduction of his sentence.

8. Accordingly, the impugned judgment of conviction dated 12.03.2014 passed by the Chief Judicial Magistrate, Mansa and as upheld by Additional Sessions Judge, Mansa vide impugned judgment dated 13.04.2018, is maintained. So far as order of sentence is concerned, the sentence of the petitioner is reduced and he is sentenced to the period already undergone by him.

9. With the above modification in the impugned order of sentence, instant revision petition is dismissed. The petitioner be set at liberty forthwith, in case he

is not required in any other case.

10. Copy of this order be sent to the Court/Successor Court of the Convicting Magistrate, concerned for compliance.

January 16, 2019

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**[SUDHIR MITTAL]
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No