COURT OF THE JUDICIAL IST CLASS MAGISTRATE-OTTAPALAM

Present: Sri. Thushar. M.,B.A., LL.B.
Judicial Ist Class Magistrate
Dated this the 27th day of July, 2012

Calendar Case No. 120/03

Complainant : State represented by Drug Inspector, Office of the Drugs Inspector, Palakkad

Accused : M.P. Prasad, Aged 27 years
Melepurakkal House, Varod P.O. Ottapalam
(Proprietor of M/s. Peeyusham Medicals, Door No. 7/468, Vadanamkurssi, Ongallur Grama Panchayath, Palakkad district).

Offence	:	U/s 27(d) of Drugs and Cosmetics Act, 1940
Plea	:	Guilty
Finding	:	Guilty
Sentence or order	:	Accused is sentenced to undergo simple imprisonment till rising of court and to pay fine of Rs. 5000/- U/s 27(d) of Drugs and Cosmetics Act, 1940 as the incident had taken place before the amendment which came into effect of 10.8.2009.

JUDGMENT

1. The above complaint has been filed by the Drug Inspector, Office of the Drugs Inspector, Palakkad alleging offences punishable U/s 27(d) of Drugs and Cosmetics Act, 1940.

2. Provisions of section 207 Cr.P.C. were complied with. When charge U/s 27(d) of Drugs and Cosmetics Act, 1940 read over and explained to the accused in malayalam. He pleaded not guilty. On 27.7.12 accused present. Charge read over once again on his request he pleaded guilty. Plea seen made vountarily. Hence accepted.

3. In this case the incident is of the year 2002 and the incident had taken place for about 8 months when the earlier Pharmacist had got appointment in Government Department and new Pharmacist was not appointed. The accused is even now continuing with the same business and no other allegation is made against him subsequently. The complaint was registered on the basis of complaint sent by an association. Considering the fact that no subsequent offence has been done by the accused and also the fact that he had to undergo long trial for about 9 year I am of opinion that justice would be served by awarding sentence till rising of court U/s 27(d) proviso and he is also to pay a fine of Rs. 5000/- as the incident had taken place before the amendment which came into effect of 10.8.2009.

Dated this the 27th day of July, 2012.

Judicial Ist Class Magistrate, Ottapalam