

IN THE COURT OF THE I Addl. Judicial Magistrate of First Class: JAGTIAL

**Present: Smt. Srinija Kohirkar,
I Addl. Judicial Magistrate of First Class,
JAGTIAL.**

Date : 23-10-2025

**CC/1281/2024
TSJI020016762024**

Between:-

Drug inspector jagtial
Address: jagtial

... Complainant

AND

M/S. JPEE DRUGS

Address: Plot No 53 Sector 6-A, Sidcul, Haridwar (Uttarakhand)-249403

Represented by Sri. Vinod Kumar Agarwal, S/o Shrijagan prasad agarwal
proprietor of the above firm

2:Sri. Vinod kumar agarwal Age: 55 Occupation : Proprietor of M/S. JPEE
DRUGS Plot No. 53 Sector6-A Sidcul Haridwar uttarakhand-24940

... Accused

DOCKET ORDER

Accused no.1 is a firm represented by its proprietor/ A2. Both the accused are present and examined under section 251 of Cr.P.C. The substance of accusation was read over and explained for the offence punishable under Section 27(d) of Drugs and Cosmetics Act, 1940, for which accused No.2 voluntarily pleaded guilty on behalf of himself and accused No.1. Accused No.2 admitted his guilt and his admission appears to be voluntary without any coercion. Since accused No.1 is company and juristic person, hence it cannot be sentenced to any imprisonment. But, in view of the judgment of the Hon'ble High Court Of Jammu & Kashmir And Ladakh At Jammu in 2022 LiveLaw (JKL) 171, this Court is of the opinion that though the company cannot be sent to imprisonment, however since the company is vicariously liable, as such it can be sentenced to the punishment of fine. As accused No.2 is vicariously held liable for the offence committed by accused No.1, hence, accused No.1 and 2 are found guilty for the offence punishable under section 27(d) of the Drugs and Cosmetics Act, 1940 and are convicted under section 252 Cr.P.C., for the said offence. On being questioned on quantum of sentence, accused No.2 on behalf of himself and the company reported that he is the sole bread winner of his family and prayed the Court to take a lenient view. Considering his submission, this Court is of the opinion to take a lenient view and under the above mentioned circumstances, accused No.2 is sentenced to undergo simple imprisonment for one day until raising of the Court. Accused No.1 and 2 are sentenced to pay a fine of Rs.20,000/- each for the offence punishable under section 27(d), and in default of payment of fine, accused No.2 alone shall undergo simple imprisonment for one week. The accused paid the total fine amount of Rs.40,000/- (Rupees forty thousand only). (Total Fine of Rs.40,000) (Rupees forty thousand only).

Date : 23-10-2025

Sd/-
I Addl. Judicial Magistrate of First Class
JAGTIAL