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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Reserve October 7th 2010

Date of Order: November 11, 2010

+ Crl. Rev. P. No. 420/2010 & Crl. M (B) No.1220-1221/2010

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Jagdish Grover

11.11.2010

...Petitioner

Versus

State Govt. of NCT of Delhi

...Respondents

Counsels:

Ms. Aashaa Tiwari for petitioner.

Mr. O.P. Saxena, APP for State/respondent.

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

JUDGMENT

1. By way of present criminal revision under Section 397/401 of Cr.P.C, the petitioner has only prayed to the Court for reduction of sentence as awarded to the petitioner by the first appellate court. The first appellate court confirmed the conviction of the petitioner under Section 16(1) (a) read with Section 7 of Prevention of Food Adulteration Act and sentenced the petitioner to undergo imprisonment for a period of six months and also to pay a fine of Rs.5,000/-.

2. It is submitted by the counsel for the petitioner that the petitioner was suffering from hypertension with Diabetes Mellitus (Type II) with diabetic retinopathy and that during his incarnation he has been admitted to ICU and his condition had not improved. This Court had already directed for referring the petitioner to AIIMS for check-up and

follow-up treatment. The medical report of the petitioner received from Jail Suptd. shows that the petitioner had to be admitted in Central Jail Hospital since 10th August 2010 and earlier he was admitted to DDU Hospital. He was suffering from hypertension with Diabetes Mellitus (Type II) with diabetic retinopathy.

3. Out of the punishment awarded to the petitioner, the petitioner has already undergone almost half of the imprisonment awarded to him. Looking into the fact that petitioner had no other criminal record and he had faced trial for about ten years, the punishment awarded to the petitioner is modified. The petitioner is awarded punishment of imprisonment already undergone by him with fine of Rs.50,000/-. In case of default in payment of fine, the petitioner to undergo imprisonment for a term of three months.

4. With above modification, the petition stands disposed of.

November 11, 2010
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SHIV NARAYAN DHINGRA, J