

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CRR-2077 of 2005

Date of Decision: August 12, 2015

Hardial

....Petitioner

Versus

Govt. Food Inspector, Gurgaon.

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr.Hemant Bassi, Advocate, for the petitioner.

Mr.Gaurav Dhir, DAG, Haryana.

Rajan Gupta, J (Oral)

Present petition is directed against conviction of the petitioner under Section 16 (1) (a) (ii) read with Section 7 of the Prevention of Food Adulteration Act, 1954.

On 28.1.1995, Food Inspector inspected the premises of the petitioner about 5.45 pm at Agna Restaurant near Bhadsapur, Gurgaon. He was found in possession of 2 kg of paneer for public sale contained in aluminium tray. A sample of 600 grams of paneer was taken and thereafter analysis of same was conducted. It was found that it contained milk fat 46.5% against the prescribed standard of 50%. On this basis, prosecution was launched under Section 16 (1) (a) (i) read with Section 7 of the Act. Prosecution produced seven witnesses and report from the Public Analyst. Petitioner examined two witnesses in defence. In the statement recorded under Section 313 Cr.P.C, accused stated that Food Inspector demanded certain food items from him which he refused to give.

As a result, he was falsely implicated.

Learned counsel for the petitioner submits that sentence of the petitioner be reduced to that already undergone in terms of judgment delivered in **Krishan Kumar Vs. State of Haryana, (P&H) 2008(3) RCR(Criminal) 338**. Though the learned State counsel has opposed the plea but does not dispute the ratio of aforesaid judgment.

Incident pertains to the year 1995. Accused faced protracted trial for 10 years. Appellate court decided his revision petition in the year 2005. Present revision has been pending before this court for last about 10 years. In view of judgment in **Krishan Kumar's** case (supra), I am of the considered view that sentence of the petitioner needs to be reduced to that already undergone by him. However, fine is enhanced to Rs.20,000/-. Same be deposited within 3 months from today. In the event of non deposit of fine, revision petition shall be deemed to have been dismissed.

Disposed of.

(Rajan Gupta)
Judge

August 12, 2015
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