

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

**Crl. Revision No. 724 of 2005
Date of Decision: 12.8.2015**

Ashok Kumar

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. R.S.Chahal, Advocate
for the petitioner.

Ms. Mahima, AAG, Haryana.

.....

SABINA, J.

Petitioner had faced the trial qua commission of offence punishable under Section 16(i) (c) and 16(1)(a)(ii) of the Prevention of Food Adulteration Act, 1954 ('Act' for short). Trial Court vide judgment dated 16.3.2002 convicted the petitioner under Section 16 (i)(c) of the Act. However, petitioner was acquitted of the charges framed against him under Section 16(i)(a)(ii) of the Act. Vide order dated 19.3.2002, petitioner was sentenced to undergo rigorous imprisonment for a period of six months and a fine of ₹ 1,000/-. Aggrieved against the said judgment/order of his conviction and sentence, petitioner filed an appeal, which was dismissed by the Appellate Court vide judgment dated 30.3.2005. Hence, the present petition by the petitioner.

Learned counsel for the petitioner, during the course of arguments, has not challenged the conviction of the petitioner as ordered by the Courts below but has prayed that the sentence

qua imprisonment of the petitioner be reduced to period already undergone by him. In support of his arguments learned counsel for the petitioner has placed reliance on '**Risala v. State of Haryana, (O&H) 2008(2) RCR (Criminal) 239**', wherein it was held that since the petitioner had suffered protracted trial of 24 years, it would be appropriate to reduce the sentence as already undergone. However, the sentence of fine was enhanced to ₹ 10,000/-.

There is nothing on record to suggest that the petitioner was a previous convict. Petitioner is facing the criminal proceedings since 16.11.1993.

Accordingly, the conviction of the petitioner is maintained. However, sentence qua imprisonment of the petitioner is reduced to the period already undergone by him and sentence of fine is enhanced to ₹10,000/- to be deposited by the petitioner within a period of one month. Non deposit of fine shall render this revision petition as dismissed. With this modification, the present revision petition is disposed of accordingly.

**(SABINA)
JUDGE**

August 12, 2015
Gurpreet