

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

**CRR No.1164 of 2006
Date of Decision : 28.08.2015**

Main Pal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

- 1. Whether reporters of local newspaper may be allowed to see judgment?**
- 2. To be referred to reporters or not?**
- 3. Whether the judgment should be reported in the digest?**

Present: Mr. J.S. Saneta, Advocate
for the petitioner.

Mr. Munish Sharma, AAG Haryana.

FATEH DEEP SINGH, J. (ORAL)

The revisionist-Main Pal was found guilty in a complaint under the Prevention of Food Adulteration Act, 1954 (in short the Act) and which findings were upheld by the Appellate Court of learned Additional Sessions Judge, Panipat through judgment dated 24th May, 2006 and thus having faced ignominy has come in this revision.

Heard Mr. J.S. Saneta, Advocate for the petitioner and Mr. Munish Sharma, AAG Haryana for the State and perused the records of the case.

The facts that are necessitated to be highlighted are that the team comprising of Government Food Inspector and others inspected the

premises of the accused on 18th June, 1996 around 8.00 a.m. in the area of Sanoli Road, Panipat. During investigation they found accused in possession of 35 Kgs. of cow milk for public sale in two drums. The Food Inspector showed his inclination to purchase sample of the same by giving notice by way of Form VI and purchased 750 Mls. of this milk. After homogeneously stirring the contents, divided them in equal parts and then put them in three dry, clean and empty bottles, in which 40 per cent formalin was added as per the rules and on adoption of necessary precautions, prepared the parcels and obtained the signatures of the accused-convict. On analysis by the Public Analyst, Haryana, the same by virtue of Report Ex.PD was found to be adulterated as the milk fat is 22.5 per cent deficient and milk solids not fat is 15 per cent deficient of the minimum prescribed standard. On being agitated, second sample was sent to the Central Food Laboratory, Pune and vide report Ex.PH, which confirmed the earlier findings holding that the standard of the cow milk was not as per the Rules and therefore the complaint was filed against the accused for having contravened provisions of Section 7 read with Section 16(1)(a)(i) of the Act. The prosecution examined Muni Ram Steno PW1, Kali Ram Food Inspector-PW2 and witness Dr. V.K. Malhotra-PW3. The allegations of the prosecution stood denied leading to the conviction.

The learned counsel for the petitioner has sought to impugn the findings on the grounds that no independent witness has been associated in this recovery and which is controverted by the State. It is not a rule of mandate but is only a precautionary step to prevent misuse of the process.

Neither the counsel for the revisionist could show any enmity nor element of vengeance, more so, members of the team have duly supported the prosecution version and, therefore, the same is untenable. Though, the learned counsel for the petitioner has sought to dispute the identity arguing that initially the accused was named as Seth Pal and subsequently, replaced by Main Pal, has been well controverted on behalf of the State and it is rightly argued that Kali Ram-PW2 has categorically stated before the Court that at the initial point of time when the samples were drawn, the accused has wrongly disclosed his name as Seth Pal and that subsequently, it was disclosed that his real name is Main Pal, rather, clears the aiers about the identity of the accused and is a distressing feature for the defence that the accused is trying to hide his real self by initially making false averments as to his identity. More so, no independent evidence has been led by the accused in support of his identification being to the contrary and rather having been identified in the Court leaves no scope to doubt this aspect of the matter.

The last contention raised by the learned counsel with regard to the violation in drawing the sample as it was never made homogeneous is totally ill-founded. Not only in the complaint filed by the complainant but even in the subsequent events and documents prepared during drawing of the sample leaves no scope to doubt that before drawing the samples the contents were stirred and each and every step necessitated under the provisions of law stood adhered to which too stands supported in evidence.

Thus, not much benefit can be derived out of these arguments by the

learned counsel for the petitioner. More so, none of these assailments reflects on the legality or the propriety of the findings and are rather factual aspects beyond the scope of the revision under the provisions of Section 401 Cr.P.C.

As a last attempt by citing “*Ram Lal Vs. State of Haryana, 2010 (2) R.C.R. (Crl) 428 and Sahab Singh @ Sunhash Vs. State of Haryana, 2010(2) R.C.R. (Crl) 607*” the learned counsel has sought to seek benefit of the probation submitting that the petitioner has suffered ignominy for so many years at the trial, however, does not impresses this Court, firstly, on the scope that the petitioner has been found guilty for food adulteration a heinous crime which needs to be strictly dealt with in the present scenario and secondly, on account of own conduct of the petitioner who has sought to hide his identity dis-entitles him to any relief under Section 360 Cr.P.C.

Thus, finding no illegality or perversity in the impugned findings, the same needs to be upheld. The revision being hopelessly without any merits stands dismissed.

(FATEH DEEP SINGH)
JUDGE

August 28, 2015
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