

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

**Crl. Revn. No. 1594 of 2006 (O&M)
Date of decision : 19.01.2015**

Ram KumarPetitioner
versus

State of Haryana and anr. ...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. S.M.Tripathi, Advocate
for the petitioner.

Mr. C.S. Bakhshi, Addl.A.G. Haryana

RITU BAHRI , J. (Oral)

Challenge is to the judgment of conviction dated 20.01.2006 and order of sentence dated 21.01.2006 passed by the Chief Judicial Magistrate, Sonapat, whereby the petitioner was convicted under Section 16 (1 (a) (i) of the Prevention of Food Adulteration Act, 1984 whereby he was sentenced to undergo rigorous imprisonment for a period of six months and a fine of Rs. 1000/-. In case of default of payment of fine, he was further directed to undergo civil imprisonment for a period of one month; as well as judgment dated 06.07.2006 passed by the Additional Sessions Judge, Sonapat, affirming the conviction and sentence passed by the trial Court.

On 15.06.1995, GFI Sonapat Om Kumar accompanied by Dr. Puran Singh, SMO Karkhoda inspected the premises of accused Ram Kumar located at bus adda,

Kharkhoda and found him in possession of 12 packets of iodized salt (Avon) for public sale contained in a wooden rack. After disclosing his identity and that of Dr. Puran Singh, GFI Om Kumar served a notice in writing on Forum-VI (Ex PA) as prescribed under the Rules and then purchased three packets of iodized salt for an amount of Rs.2.70/- regarding which accused issued a receipt Ex PB. The said three packets were packed in three dry clean empty poly packets. The same were then sealed, labelled and wrapped as per rules.

Accused was summoned to face trial vide order dated 27.07.1995. Accused appeared before the Court on 19.10.1995 and was allowed bail.

In pre-charge evidence, GFI Om Kumar examined himself as PW1. After considering pre-charge evidence, accused was charge sheeted on 04.06.1998 under the above said Sections, to which, he pleaded not guilty and claimed trial.

In order to prove its case, the prosecution examined GFI Om Kumar who re-examined himself. One more witness namely Shri Ashok Kumar, clerk to LHA-cum-Civil Surgeon, Sonapat was examined and then complainant's evidence was closed.

Statement of accused under Section 313 Cr.P.C was recorded wherein entire incriminating evidence

appearing against him was put to him, however, he denied the same. In defence, the accused had examined Ram Kumar as D.W.1 and Sat Prakash as D.W.2 and closed the evidence.

The trial Court after going through the entire evidence led by the prosecution, convicted and sentenced the accused-petitioner in the aforesaid terms.

Aggrieved by the aforesaid judgment, the accused-petitioner preferred an appeal which was dismissed by the Additional Sessions Judge, Sonapat.

Learned counsel for the petitioner does not challenge the conviction on merits and restrict his prayer to the quantum of sentence.

Vide order dated 05.09.2013, this Court had admitted the present petition and granted bail to the petitioner, who at that time undergone almost 02 months out of the substantial sentence of 06 months awarded to him.

Learned counsel for the petitioner, however, further contends that the occurrence in this case pertains to the year 1995 and a period of 19 years have already gone by. Petitioner has already suffered the agony of protracted trial, spinning over a period of time. Learned counsel prays that a lenient view be taken against the petitioner. He further submits that keeping in view the facts and mitigating

circumstances of the petitioner, some leniency be shown against the petitioner in the matter of sentence.

Having examined the impugned judgments, no illegality, much less irregularity, has been found therein warranting interference by this Court. Accordingly, they are upheld. However, a lenient view can be taken on the quantum of sentence of the petitioner.

Keeping in view the above facts, the sentence of the imprisonment awarded to the petitioner is reduced to the period already undergone. However the amount of fine is enhanced from Rs. 1,000/- to Rs.2,000/-.

With the above modification in the matter of sentence, the criminal revision is dismissed on merits.

19.01.2015
G Arora

(RITU BAHRI)
JUDGE