

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

Crl. Revision No.182 of 2007

Date of Decision : 22.07.2015

Mohinder Pal

....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr.Mohinder Singh Nain , Advocate for the petitioner

Mr. Kuldeep Tiwari, Addl. AG, Haryana.

MAHESH GROVER, J.

The petitioner impugns the judgment of the learned trial Court and that of the Appellate Court dated 05/12.09.2005 and 17.01.2007 respectively vide which he was convicted and sentenced to undergo rigorous imprisonment for a period of six months and to pay fine of ₹1,000/- and in default of payment of fine to further undergo rigorous imprisonment for a period of one month, in a complaint under Section 7 of the Prevention of Food Adulteration Act, 1954, punishable under Section 16(1) of the Prevention of Food Adulteration Act, 1954.

Learned counsel for the petitioner contends that he does not wish to address on the merits of the case but confines his prayer to the limited extent that some leniency be shown on quantum of sentence. Considering the fact that the sample was taken by the respondents in 1997 and the petitioner has faced the ordeal of criminal prosecution for the last 18 years and also the fact that out of six months awarded to him, the petitioner has already undergone two months and there has been no further violation of any provisions of the Food Adulteration Act.

On due consideration of the matter and noticing the fact that the petitioner does not question the issue on merits but confines his prayer only to the quantum of sentence, I am of the opinion that since the petitioner has faced the ordeal of trial since 1997 and has also undergone two months out of the six months awarded to him, it would be in the fitness of things if the sentence awarded to him is reduced to already undergone while maintaining the conviction and enhancing the fine component. This view is supported by the judgment of this Court passed in **Ramesh Kumar v. State of Haryana 2010(3) Crimes 549.**

Consequently, the conviction of the petitioner is maintained while the sentence awarded to him is reduced to that of already undergone. Fine component is enhanced to ₹25,000/-, which shall be deposited before the trial Court within a period of four months from today, failing which the sentence of the petitioner as awarded by the Court below shall stand revived.

Petition disposed of.

22.07. 2015
mamta

(Mahesh Grover)
Judge