

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

**Criminal Revision No.2431 of 2015 (O&M)
Date of decision: 21.08.2015**

Varun Singla

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab
for the respondent – State.

Daya Chaudhary, J.

Petitioner-Varun Singla faced trial in a complaint lodged under Section 16 of the Prevention of Food Adulteration Act, 1954 (hereinafter called as 'the Act') and was convicted for said offence vide judgment dated 11.04.2014 passed by the Chief Judicial Magistrate, Sangrur and was sentenced to undergo RI for a period of one year and to pay fine of ₹2000/- with default clause.

Aggrieved by the said judgment of conviction and order of sentence dated 11.04.2014, petitioner preferred an appeal before Additional Sessions Judge, Sangrur but the same was dismissed on 02.07.2015 and judgment of conviction and order of sentence passed by the trial Court was upheld.

After losing the case before both the Courts below, the petitioner has filed the present revision petition to challenge the judgments passed by both the Courts.

Learned counsel for the petitioner has raised various arguments to challenge the conviction of the petitioner but ultimately he has restricted his prayer qua to quantum of sentence only as the petitioner has already suffered the agony of trial since the lodging of the complaint i.e., 02.06.2009. Learned counsel further submits that the petitioner being the only bread winner, has a large family to support. The petitioner is not a habitual offender and no other case of similar nature is pending against him. Learned counsel for the petitioner also submits that the petitioner has already undergone actual sentence of more than 1½ months against total sentence of one year.

Custody certificate has been filed in the Court today and the same is taken on record.

Learned State counsel submits that during trial, the petitioner was on bail and after conviction, he has undergone actual sentence of more than 1½ months.

Heard arguments of learned counsel for the petitioner as well as of learned State counsel.

Admittedly, the petitioner was convicted by the trial Court for offence punishable under Section 16 of the Act and was sentenced to undergo RI for a period of one year and to pay fine of ₹2000/- with

default clause. The judgment of conviction and order of sentence passed by the trial Court was upheld by the Appellate Court.

Keeping in view the limited prayer of the counsel for the petitioner that he does not want to contest the judgment of conviction in case, the sentence is reduced to the period already undergone; by considering the fact that the petitioner is facing criminal litigation since lodging of complaint i.e., 02.06.2009; he is not a habitual offender and no other case of similar nature is pending against him; he is the sole bread winner of his family; and he has undergone actual sentence of more than 1½ months against total sentence of one year, the request of the petitioner is accepted and his conviction is upheld and sentence is reduced to the period already undergone by him subject to payment of increased fine of ₹20,000/- with the trial Court within a period of one month from the date of receipt of certified copy of this order.

In case, the petitioner fails to deposit the aforesaid amount within the stipulated period, this revision shall be deemed to have been dismissed and the petitioner shall have to undergo the remaining period of sentence as per judgment passed by the trial Court.

The revision petition is disposed of with the said modification of sentence by upholding the judgment of conviction.

21.08.2015
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(DAYA CHAUDHARY)
JUDGE