

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Revision No. 2687 of 2015

Date of decision : 02.11.2015

Virender Singh

..... Petitioner

versus

State through Govt. Food Inspector Rohtak

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. P.K. Hooda, Advocate for the petitioner

Mr. G.S. Salwara, DAG Haryana

ANITA CHAUDHRY, J.

Through this petition, the revisionist has challenged his conviction under Section 7 read with Section 16(1)(a)(i) of Prevention of Food Adulteration Act, 1955. The conviction was recorded in Criminal Complaint No. 70 of 2007. The Chief Judicial Magistrate, Rohtak vide order dated 13.08.2013 convicted and sentenced the petitioner to undergo rigorous imprisonment for a period of 6 months alongwith fine of Rs. 10,000/- and in default of payment of fine to further undergo rigorous imprisonment for a period of two months.

The judgment was affirmed by the Addl. Sessions Judge, Rohtak vide order dated 13.07.2015.

Aggrieved with both the verdicts, the accused has preferred the instant petition.

I have heard learned counsel for the petitioner as well as learned State counsel appearing for the State of Haryana.

During the course of arguments, learned counsel for the petitioner had confined his submissions to the quantum of sentence

imposed upon the petitioner.

Learned counsel for the petitioner contends that the petitioner is a first offender and had faced a protracted trial for about nine years as the incident is of December 2006 and the petitioner had remained in custody for about 3 ½ months out of 6 months. He further contends that the sentence of the petitioner may be reduced to the period already undergone by him. He further contends that payment of fine imposed upon the petitioner has already been paid.

The State counsel has opposed the prayer and submits that the Courts below have already taken a lenient view.

As the prayer made by the petitioner is restricted only to the sentence, therefore, the findings recorded by the Courts below convicting the petitioner are affirmed. As regards the prayer of reduction of sentence is concerned, the incident is of the year 2006, the petitioner was convicted by the trial Court vide judgment dated 13.08.2013, his appeal was dismissed by the Additional Sessions Court on 13.07.2015 and the petitioner has remained in custody for about 3 ½ months.

Considering the fact that the petitioner has been suffering the agony of this case for the last about nine years and he is the first offender, I am of the view that ends of justice would be met in case the sentence awarded to the petitioner under under Section 7 read with Section 16(1)(a)(i) of Prevention of Food Adulteration Act, 1955 is reduced to already undergone.

The revision petition is disposed of.

November 02, 2015

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**(ANITA CHAUDHRY)
JUDGE**