

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Crl. Revision No. 3907 of 2014(O&M)

Date of Decision: February 23, 2015.

Purushotam

..... PETITIONER (s)

Versus

State of Haryana

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Maninder Arora, Advocate
for the petitioner.

Mr. P.S.Sullar, Addl.A.G., Haryana.

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

LISA GILL, J.

Petitioner, in this case, has been convicted and sentenced to undergo rigorous imprisonment for six months, besides, pay a fine of ₹1,000/- and in default thereof, to further undergo rigorous imprisonment for 15 days for offences punishable under Section 16(1)(a)(i) of the Prevention of Food Adulteration Act, 1955 vide judgment and order dated 08/12.02.2013 passed by learned Chief Judicial Magistrate, Rohtak. His conviction and sentence has been upheld by the learned Additional Sessions Judge, Rohtak vide judgment

dated 05.11.2014. Aggrieved therefrom, present petition has been filed.

Notice of motion in this case was issued limited to the question of quantum of sentence imposed upon the petitioner as the learned counsel for the petitioner had fairly submitted that impugned judgments cannot be assailed on merits.

As per the prosecution version, petitioner was found in possession of about 6 Kg. adulterated Burfi Khoya. The reading in respect to the extracted fat of the sample was not as per the specified limits and furthermore, Baudouin test came positive whereas, it should have been negative.

Learned counsel for the petitioner without addressing any arguments on merits of the case submits that the petitioner is a first offender and subsequently also, he is not involved in any other case. He is facing protracted trial since the year 2003. He has been in custody since 05.11.2014 and has undergone over three months out of the total sentence of six months imposed upon him.

From the facts narrated above, it is submitted that the petitioner has obviously learnt his lesson and it would be in the interest of justice to reduce the sentence to that of one already undergone.

Learned counsel further submits that the fine imposed upon the petitioner may be enhanced keeping in view the facts and circumstances of the case. Reliance is placed on **S.C.Goyal v. State of Haryana, 2010(1) RCR (Crl.) 278** and **Harvinder Singh v. State of Haryana, 2010(1) RCR(Crl.) 409.**

During the course of arguments it was proposed that the amount of

fine be enhanced to ₹50,000/-. On instructions, learned counsel for the petitioner submits that the petitioner is ready and willing to deposit this amount. He has undergone over three months of the sentence as on today.

Keeping in view the facts of this case as well as the decisions cited above, it would be appropriate to enhance the fine imposed upon the petitioner to ₹50,000/- and reduce the sentence of six months imposed upon the petitioner to that of having already undergone.

Ordered accordingly.

The sum of ₹50,000/- be deposited with the learned trial court within three months from the date of receipt of certified copy of this order failing which the benefit of reduction of sentence shall not enure to the petitioner.

This revision petition, with the abovesaid modification in the quantum of sentence, is disposed of.

February 23, 2015.
'om'

(LISA GILL)
JUDGE