

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 226

Criminal Revision No.2518 of 2008 (O & M)

Date of Decision: July 22, 2016

Satish Kumar

..... PETITIONER

VERSUS

State of Haryana

..... RESPONDENT

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

. . .

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?

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PRESENT: - Mr. Malkeet Singh, Advocate, for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General,
Haryana.

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Jaspal Singh, J

1. The instant revision petition has been preferred by Satish Kumar against judgment dated November 24, 2008 passed by the Additional Sessions Judge, Ambala, whereby judgment of conviction dated December 18, 2007 and order of sentence dated December 21, 2007 passed in complaint case instituted under Section 7 & 16 of the Prevention of Food Adulteration Act, 1954 (for short, 'Act'), has been upheld. The petitioner was convicted and sentenced by the trial court to undergo rigorous imprisonment for six months alongwith fine of ₹ 1,000/- for committing the

offence punishable under Section 16(1)(a)(i) read with Section 7(i) of the Act. In default of payment of fine, he was sentenced to further undergo RI for one month.

2. At the very outset of arguments, learned counsel for the petitioner submits that he does not press the petition qua conviction, however, the petitioner be heard only qua quantum of sentence. This Court has also scrutinized the impugned judgments as well as the relevant document(s)/evidence and is of the considered view that there is no scope for any interference in impugned judgment(s) as far as the conviction of the petitioner under the aforesaid provisions of IPC is concerned. As such, the conviction of the petitioner is upheld.

3. As far as quantum of sentence is concerned, there are mitigating circumstances to take a lenient view in the matter of sentence awarded by the trial court and upheld by the lower appellate court. Apart from the fact that petitioner is facing the agony of protracted trial for approximately 20 years after registration of the instant case/complaint; is a poor person; is a sole bread winner of the family; and only source for livelihood for their old aged parents. Accused – petitioner is also first offender. There is no other case of similar nature, either pending or disposed of, against the petitioner, who has already suffered incarceration for a sufficient period. Thus, this Court is of the considered view that a chance be given to the petitioner to reform & improve himself; to become good citizen; and to lead a peaceful & harmonious life.

4. The Hon'ble Supreme Court in the matter of Munilal Mochi vs. State of Bihar & another, 2011(3) RCR (Criminal) 702; Ramanlal Baldevdas Shah vs. State of Gujarat, 1992(2) RCR (Criminal) 470, took

two decades and reduced the sentence to already undergone. Similarly, this Court in the case of Madan Mohan vs. State of Haryana, 2013(7) RCR (Criminal) 1881, while relying upon the aforesaid decisions of Hon'ble Apex Court, has held that no useful purpose will be served by sending the petitioner behind the bars at this point of time as the petitioner faced ordeal for 17 years and reduced the sentence to the period already undergone.

5. Adverting to the facts & circumstances of the case in hand, the petitioner was convicted and sentenced for RI for six months besides fine for commissions of offence punishable under Section 16(1)(a)(i) read with Section 7(i) of the Act vide judgment of conviction dated December 18, 2007 and order of sentence dated December 21, 2007 which were upheld by the lower appellate court vide judgment dated November 24, 2008. The petitioner is facing the pains and strains of the protracted trial since filing of complaint i.e. December 22, 1996. A period of approximately two decades has elapsed.

6. Taking into consideration the aforesaid aspects of the case as well as observations made in the above referred judgment, though, conviction of the petitioner is upheld yet the sentence imposed upon him by the courts below is reduced to the period already undergone by him, with no change in fine clause.

7. With the above modification in sentence, revision petition stands dismissed.

July 22, 2016
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(Jaspal Singh)
Judge

Whether Speaking/ Reasoned:

Yes/ No

Whether Reportable:

Yes/ No