

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 231

Criminal Revision No.1891 of 2009 (O & M)
Date of Decision: August 03, 2016

Raj Sethi

..... PETITIONER

VERSUS

State of Haryana

..... RESPONDENT

...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

...

PRESENT: - Mr. Ashit Malik, Advocate, for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General,
Haryana.

. . .

Jaspal Singh, J

1. The instant revision petition has been preferred by the petitioner against judgment dated July 16, 2009 passed by the Additional Sessions Judge, Faridabad, whereby judgment of conviction dated June 03, 2008 and order of sentence dated June 05, 2008 passed by the trial court, in Complaint case under Section 7/16 of the Prevention of Food Adulteration Act, 1954 (for short, 'Act'), has been upheld. The petitioner was convicted and sentenced to undergo Simple Imprisonment for a period of six months besides fine to the tune of ₹ 1000/- and in default of payment of fine to further undergo simple imprisonment for two months, under Section 16(1)(a)(i) of the Act.

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 provision of the Act 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 the last more than 15 years after registration of the instant case and is first offender; he is only bread winner in the family; there is no other case of similar nature, either pending or disposed of, against the petitioner who had also suffered incarceration more than two months, as is evident from order dated September 9, 2009. Thus, this Court is of the considered view that it would be apt and proper and in the fitness of things to modify the sentence.

4. Taking into consideration the aforesaid aspects of the case, though, conviction of the petitioner is upheld but the sentence imposed upon them by the courts below is reduced to the period already undergone by him, with no change in fine clause.

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

August 03, 2016
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(Jaspal Singh)
Judge

Whether Speaking/ Reasoned:

Yes/ No

Whether Reportable:

Yes/ No