

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Revision No. 2692 of 2009

Date of decision : September 07, 2016

Mahabir Singh

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. GBS Dhillon, Advocate, for the petitioner

Mr. Munish Sharma, AAG, Haryana, for the respondent

Fateh Deep Singh, J. (Oral)

The revision-petitioner Mahabir Singh who was accused in a criminal complaint moved by Food Inspector was found guilty for commission of offences under section 7 read with section 16(1)(a)(i) of the Prevention of Food Adulteration Act and was sentenced to simple imprisonment for one year and to pay fine of Rs 1000/- by learned Chief Judicial Magistrate, Kaithal through judgment dated 27.9.2006. The convict impugned his conviction before the court of learned Sessions Judge, Kaithal who through judgment dated 22.9.2009 upheld the findings of the trial court and dismissed the appeal of the appellant-convict, however, slashing

sentence from one year simple imprisonment to six months SI and the sentence of fine remained unaltered. That is how the petitioner has invoked the jurisdiction of this court in this revision.

Heard counsel for the parties and perused the record.

The allegations against the petitioner in brief are that on 12.6.1998, the complainant Food Inspector inspected the premises of accused who was found keeping in his possession at his shop 15 packets each of 500 grams of iodized salt branded as 'Taza' purported to have been manufactured by Mahesh Iodized Salt Industries for public sale besides other articles. After drawing necessary samples and undergoing necessary formalities when the sample was sent for analysis it was found to be deficient in sodium chloride contents below the minimum prescribed limit as it was found to contain 95.07% by weight and iodine contents were found to be nil against minimum specified limit of 15 ppm.

When the accused was put to trial, the prosecution examined PW1 Naryan Dutt, Food Inspector, PW2 Darshna Rani and PW4 Satpal, both employees of office of Civil Surgeon, Kaithal and PW3 Dr. RC Mittal and thereafter the prosecution evidence was closed.

The accused denied the allegations in his stand taken in statement under section 313 Cr.P.C. but did not lead any evidence in his defence. It was thereafter he was found guilty and sentenced.

Learned counsel for the petitioner has made only a simple prayer that as per the sentence of imprisonment the petitioner has already

undergone out of six months almost three months which is well supported by the learned State counsel by placing on record custody certificate.

Appreciating the submissions of the two sides, the petitioner was put to trial on 12.6.1998 and till date has undergone trauma of this legal proceedings continuously for a period of 18 years and it is duly accepted even by the learned State counsel that the petitioner now is aged person more than 53 years of age and has a family to support and has already undergone enormous agony and trauma and a sword of Damocles has been hanging over his head for such a long period of time and has prayed for sentence of imprisonment to already undergone though the cost may be enhanced.

Keeping in view the nature of the offence committed by the petitioner, the number of years he has undergone the trauma of the trial and by now he must be aged and infirm as contended by counsel for the petitioner and is not refuted by the learned State counsel. It would subserve the ends of justice if the petitioner is sentenced to period he has already undergone which is more than half of the sentence of imprisonment. However, the same can be set off if the petitioner is imposed special costs of Rs 30,000/- which shall be deposited by him before the trial court within 60 days of the receipt of the copy of this judgment and in case the petitioner failed to do so, would loose this concession and would have to undergo the entire remaining part of the sentence.

In the light of the what has been observed above, the sentence

of imprisonment so imposed is accordingly modified and the revision petition stands disposed off in those terms.

September 07, 2016
'tiwana'

(Fateh Deep Singh)
Judge

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>