

236 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 1650 of 2013
DECIDED ON: AUGUST 03, 2016

BABU LAL

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH.

Present: Mr. Jasdev Singh Mehndiratta, Advocate
for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

JASPAL SINGH, J

1. By virtue of this revision petition, petitioner has challenged the judgment dated May 06, 2013 passed by learned Additional Sessions Judge, Bhiwani, whereby judgment of conviction dated May 24, 2011 and order of sentence dated May 25, 2011 passed by learned Sub Divisional Judicial Magistrate, Charkhi Dadri, in criminal case No. 109-G of 2002, under Section 7 of the Prevention of Food Adulteration Act, 1964 titled **GFI vs. Babu Lal** has been upheld.

2. At the very outset, it has been contended by learned counsel for the petitioner that he does not challenge the conviction on merits and only confines

his relief qua quantum of sentence.

3. Since, learned counsel for the petitioner has not disputed the order of conviction passed by learned trial Court and upheld by First Appellate Court, therefore, this Court does not intend to go in detail with regard to the factual aspects of the case. This Court has also scrutinized the impugned judgments as well as the relevant documents/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 is concerned. As such, the conviction of the petitioner is upheld.

4. 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. Undisputably, petitioner is facing the pains and strains of protracted trial since 2011 and further that he has already suffered incarceration for a period more than 02 months, out of total substantive sentence for a period of six months. Besides, it petitioner has asserted himself not to be previous convict, he is the only bread winner in the family. Moreover, during trial and pendency of instant petition he never misused the concession of bail/remission, which shows that he is in process of improving himself, therefore, some concession in substantive sentence can be extended to him.

5. Taking into consideration the above narrated discussion as well as the fact that petitioner has not challenged his conviction on merits, while affirming his conviction, the order of sentence is modified to the extent to the period already undergone by him with no change in the fine clause.

6. With the aforesaid modification in the quantum of sentence, the revision petition stands dismissed.

AUGUST 03, 2016
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(JASPAL SINGH)
JUDGE

Whether	Speaking/Reasoned	Yes/No
Whether	Reportable	Yes/No