

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Revision No. 126 of 2007 O&M)
Date of decision: 5.7.2017

Harish Kumar

.. Petitioner

v.

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Jagdish Manchanda, Advocate for the petitioner.
Ms. Palika Monga, Deputy Advocate General, Haryana.

...

Rajesh Bindal J.

The petitioner herein was convicted under Section 16(1)(a) of the Prevention of Food Adulteration Act, 1954 (for short, 'the Act') on a complaint filed by the State. He was sentenced to undergo rigorous imprisonment for a period of six months and pay fine of ₹ 1,000/-. The judgment of Chief Judicial Magistrate, Karnal was upheld in appeal by Additional Sessions Judge, Karnal.

The case set up by the complainant against the petitioner was that on 25.6.1993, when the shop of the petitioner was inspected, he was found in possession of 3 kgs. of *Lal Mirchi* powder. It was kept in a tin for public sale. Sample of the same was drawn on payment of the cost thereof. It was properly packed and sent for inspection. As the product was found to be adulterated, the complaint was filed.

The trial court convicted the petitioner finding that red chilli powder was meant for sale; sampling was properly done and on testing the

same was found to be adulterated. The judgment was upheld in appeal.

The contention raised by learned counsel for the petitioner that shop of the petitioner is outside the cremation ground and the product was not meant for sale for human consumption as it was required only for some ceremonial purpose in the cremation ground is merely to be noticed and rejected as no such plea was taken when the sampling was done or before the courts below. On testing in the laboratory, the product was found to be adulterated, which was harmful if consumed. Adulteration of edible items is required to be dealt with stern hands, as the persons indulging in this are playing with the lives and health of the people. Accordingly, while concurring with the views expressed by the courts below, I do not find any reason to interfere in the present petition. The same deserves to be dismissed.

Even the contention raised by learned counsel for the petitioner for release of the petitioner on probation on the ground that the incident is about 24 years old cannot be accepted for the reason that Section 12 of the Act prescribes minimum sentence of six months.

For the reasons mentioned above, the present petition is dismissed.

(Rajesh Bindal)
Judge

5.7.2017
mk

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No

