

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Revision No. 1719 of 2007 O&M)
Date of decision: 7.7.2017

Hans Raj

.. Petitioner

v.

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Sagar Aggarwal, Advocate for
Mr. Ashit Malik, Advocate for the petitioner.
Mr. Ankur Mittal, Addl. Advocate General, Haryana.

...

Rajesh Bindal J.

The petitioner herein having been found to be indulging in sale of adulterated cow milk was sentenced to undergo rigorous imprisonment for a period of six months and pay fine of ₹ 1,000/-. He was convicted under Section 16(1)(a)(i) of the Prevention of Food Adulteration Act, 1954 (for short, 'the Act') vide judgment dated 6.6.2005. The judgment of the trial court was upheld in appeal filed by him.

At the time of inspection on 14.7.1999, the petitioner was found to be in possession of 10 litres of boiled milk contained in a *patila* for public sale. Sample thereof was taken. On testing, it was found that the fat contained was merely 1.7%, as against the minimum standard of 4.0% for cow's milk. Finding the evidence led by the complainant to be sufficient to

convict the petitioner, he was sentenced to undergo rigorous imprisonment

for a period of six months by Sub Divisional Judicial Magistrate, Guhla. Even the lower appellate court did not find any merit in the contentions raised by learned counsel for the petitioner.

While reiterating the submissions made before the courts below seeking re-appreciation of evidence and further claiming that the milk was not for public sale as it was only for preparation of tea, learned counsel for the petitioner sought to challenge the conviction. Another contention was raised regarding the incident being about two decades old, hence, lenient view should be taken.

On the other hand, learned counsel for the State submitted that adulteration of food product is a heinous crime, but still the petitioner has been let away with minimum punishment prescribed in the Act. He was playing with the health of people. Ten litres of milk at a stall cannot be said to be only for preparation of tea. It may be for one of the use. Even in tea also, the petitioner is required to use the milk of prescribed standard.

After hearing learned counsel for the parties, I do not find any reason to interfere in the judgments of the courts below. The issues raised by the petitioner have been considered threadbare. Merely because the incident is old, cannot be a ground to give benefit to the petitioner, especially in the cases involving food adulteration. People buy edibles from different establishments under a belief that these are good quality edibles, which will not have adverse affect on their health, however, some persons have decided to play with the health and lives of the people to earn easy money by indulging in adulteration of food items. No leniency is required to be shown in those cases.

For the reasons mentioned above, I do not find any merit in the present petition. Accordingly, the same is dismissed.

(Rajesh Bindal)
Judge

7.7.2017
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No