

**204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRR No.1912 of 2011 (O&M)
Date of decision : December 07, 2017**

Bhupinder Singh

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Subhash, Advocate for
Mr. S.K. Panwar, Advocate for the petitioner.

Mr. R.K. Makkad, DAG, Haryana.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Heard.

Learned counsel for the petitioner presses the present revision petition only on the point of quantum of sentence.

The allegations against the petitioner are that he was found selling adulterated milk solid not fat 8.2% against the minimum specified limit of 8.5%. The learned Chief Judicial Magistrate, Yamuna Nagar at Jagadhri, vide judgment of conviction dated 06.08.2009 and order of sentence dated 07.08.2009, convicted the petitioner for committing violation of provisions as contained in Section 7 of the Prevention of Food Adulteration Act, 1954 (for short 'the Act') punishable under Section 16(1) (a)(i) of the said Act and sentenced him to undergo rigorous imprisonment for six months and to pay a fine of ₹1,000/-, in default thereof to further undergo simple imprisonment for one month, which is minimum prescribed under the law.

Learned counsel for the petitioner has prayed for grant of benefits of probation on the ground that the petitioner is facing agony of protracted trial for the last about 18 years.

He has relied upon the authority of this Court delivered in case of *“Jai Bhagwan v State of Haryana”, 2008(14) R.C.R. (Criminal) 193.*

I am of the view that under Section 20 (A)(A) of the Act, there is bar to the grant of probation. Therefore, against the specific provisions of statute, the benefits of probation cannot be granted. The sentence of rigorous imprisonment for six months is minimum punishment under the law. Therefore, the imprisonment for less than minimum prescribed punishment can also not be awarded. Thus, there is no ground to reduce the sentence.

As such, the present revision petition is dismissed.

The petitioner is ordered to be re-arrested and committed to jail to undergo remaining part of the sentence.

(KULDIP SINGH)
JUDGE

December 07, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No