

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR 1938-2011 (O&M)
Date of decision: 04.12.2017

Hari Krishan

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.M.S.Kalheer, Advocate for
Mr.Rakesh Nehra, Advocate for the petitioner
Mr.R.K.Makkad, Deputy Advocate General, Haryana

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Learned Chief Judicial Magistrate, Rohtak vide judgment of conviction dated 5.6.2009 found that mustard oil was found to be adulterated with Argemone oil which is unfit for human consumption. Therefore, vide order of sentence dated 10.6.2009 he was sentenced to undergo Rigorous Imprisonment for six months and to pay a fine of Rs.800/-, in default thereof, to further undergo Simple Imprisonment for 10 days. Appeal was dismissed by learned Additional Sessions Judge, Rohtak vide judgment dated 23.8.2011.

Vide order dated 29.8.2011, notice of motion was issued only on the point of quantum of sentence by this Court.

Custody certificate dated 12.01.2017 filed in Court today and the same is taken on record.

Arguments heard on the quantum of sentence.

Learned counsel for the petitioner states that the petitioner is an old man and should be sentenced to the period already undergone by him.

He has also referred to the authorities of the Coordinate Benches titled as

Mahavir vs. State through Govt. Food Inspector, 2000(4) RCR (Criminal)

208, wherein in case of milk, the contents of milk solid not fat contents were found to be bit higher than the minimum prescribed standard and sentence was reduced to the period already undergone i.e. 16 days. In another case titled as Sektu Ram vs. State of Haryana, 2008(3) RCR (Criminal) 364, milk fat were found to be deficient by 5% and sentence was reduced to the period already undergone i.e. 2 months. In yet another case titled as S.C.Goyal vs. State of Haryana, 2010(1) RCR (Criminal) 278 on account of protracted trial, in case of man of 70 years old, the sentence was reduced to the period already undergone, whereas fine was enhanced. The authority in the case titled as Puran Mal vs. State of Haryana, 2009(4) RCR (Criminal) 527, is also regarding the case wherein contents of milk sold not fat were less than the minimum prescribed standard. In one of the above noted cases, the milk was found unfit for human consumption. Here in the present case, the edible oil was found unfit for human consumption. Therefore, keeping in view the hazardous nature of the commodity i.e. edible oil recovered from the petitioner, there is no ground to reduce the sentence less than the minimum prescribed by law. As per Custody certificate, the petitioner has undergone total sentence of 2 months and 10 days including remission of 12 days. Petitioner be re-arrested to undergo the remaining part of sentence.

Present revision petition stands dismissed accordingly.

04.12.2017

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No