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

CRR No.3072 of 2012

Date of decision: March 20, 2017

Inder Singh

.....Petitioner

Versus

State, through Government Food Inspector, Panipat

....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Sailender Singh, Advocate for the petitioner.

Mr. G.S. Salwara, DAG Haryana.

A.B. CHAUDHARI, J (Oral)

Custody certificate filed by the learned State counsel, today in Court, is taken on record.

The petitioner was convicted for offences under Section 16(1)(c) of the Prevention of Food Adulteration Act, 1954 (for short 'Act') by the trial Court vide judgment/order dated 30.09.2011/01.10.2011 and sentenced to undergo rigorous imprisonment for 6 months along with fine. The lower Appellate Court vide judgment dated 25.09.2012 upheld the said conviction and sentence of the petitioner.

Revision petition has been admitted by this Court and the sentence awarded to the petitioner has been suspended. The petitioner has undergone actual sentence to 1 month, 16 days out of 6 months that was awarded to him by the trial Court.

It is not in dispute that the petitioner was not convicted for an

offence regarding adulteration of the food article. The allegations are that the petitioner had obstructed the Food Inspector from taking sample by closing down the shutter and running away from the spot. The mitigating circumstance, in my opinion, is that the Food Inspector could have his remedy of opening the shop as the Act provides for the power to do so. The fact that the petitioner had rolled down the shutter of his shop and ran away from the spot, is not enough to award him sentence of 6 months, particularly because Food Inspector had remedy of opening the shop and taking sample. I think this is the strong mitigating circumstance in favour of the petitioner. At the same time, the petitioner ought to pay some more fine in order to compensate the State.

Hence, CRR No.3072 of 2012 is partly allowed. The judgment and order of conviction of the petitioner, recorded by both the Courts below, for commission of offences punishable under Section 16(1)(c) of the Act, is confirmed. The judgment and order of sentence recorded by both the Courts below is set aside and modified and the sentence is reduced to the one which the petitioner has already undergone. In so far as the fine amount is concerned, the same is increased to ₹5,000/- which shall be paid by the petitioner within a period of 8 weeks from today.

(A.B. CHAUDHARI)
JUDGE

March 20, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No