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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 938 of 2012 (O/M)
Date of decision : 5.12.2017

Samsuddin

..... Revisionist

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. A.K. Sabharwal, Advocate, for,
Mr. Gautam Dutt, Advocate, for revisionist.

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 ?

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KULDIP SINGH J. (ORAL)

Custody certificate dated 4.12.2017 filed in Court today and same is taken on record.

Heard.

Revision has been pressed on the quantum of sentence only.

In this case, a sample of milk was taken from revisionist. On analysis, it was found that there was 7.10% of milk solids not fat against the minimum specified limit of 8.5%, as laid down for the mixed milk.

The learned proxy counsel appearing for learned counsel for revisionist has prayed for releasing the revisionist on probation. However, Section 20-AA of the Prevention of Food Adulteration Act, 1954, bars the application of provisions of Probation of Offenders Act, 1958, to the instant offence.

The learned proxy counsel has produced the authority of this

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Court in Mukesh Kumar Kathuria Versus State through Government Food Inspector, 2014 (3) Crimes 453, and has prayed that sentence of revisionist be reduced to the period already undergone by him, which is 1 month and 22 days.

The offence carries the minimum sentence of six months, which has been awarded in this case. I am of the view that where minimum sentence has been prescribed, the sentence cannot be reduced to less than minimum sentence prescribed under the law. It being so, there is no ground to reduce the sentence also. Hence, revision is dismissed. Revisionist be rearrested and be committed to jail to undergo the remaining part of sentence.

(KULDIP SINGH)
JUDGE

5.12.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No