

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRR No. 4534 of 2016 (O&M)

Date of Decision: 10.01.2017

Gurmail Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Vivek Goel, Advocate for the petitioner.

Ms. Harpreet K. Athwal, D.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

The instant revision petition is directed against the judgement dated 6.9.2013, passed by the learned C.J.M., Faridkot convicting the petitioner under sections 7/16 of Prevention of Food Adulteration Act, 1954 and which thereafter has been affirmed vide order dated 28.11.2016, passed by learned Additional Sessions Judge, Faridkot. The petitioner has been imposed the maximum sentence i.e. RI for 2 years and a fine of Rs.2,000/-.

Counsel for the parties have been heard at length.

It would not be necessary for me to delve into the merits of the case as counsel for the petitioner has confined the scope of the present petition only qua quantum of sentence.

It is the contention raised by counsel that the percentage of fat that had been determined in the seized sample of *Khoya* of 90 kgs, was found to be 11% as opposed to the standard prescribed parameter of 30%.

Reliance has been placed upon a judgement passed by a Coordinate Bench of this Court in ***Darshan Lal Vs. State of Haryana, 2009***

(5) R.C.R (Criminal), 504, where the percentage of fat from *Khoya* was

found to be 16.5% and the sentence of the petitioner therein had been reduced to the period already undergone i.e. 1 month and 11 days.

As per custody certificate produced by learned State counsel the petitioner has already undergone a total sentence of 3 months and 10 days as of date. He is not stated to be involved in any other criminal proceedings.

Following the dictum and judgement rendered by the Coordinate Bench in ***Darshan Lal's*** case (supra) and adopting the same very reasoning, the present revision petition is disposed of in terms of upholding the conviction of the petitioner for offence under Sections 7/16 of Prevention of Food Adulteration Act, 1954 but however, his sentence is reduced to the period already undergone. The quantum of fine imposed upon the petitioner is, however, enhanced to Rs.10,000/-.

The petitioner, as such, would be released forthwith upon deposit of the enhanced fine amount.

Petition is disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

10.01.2017

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Whether speaking/reasoned: Yes
Whether Reportable: No