

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

**CRR No.3540 of 2012 (O&M)
Date of decision : November 13, 2017**

Jagdish Kumar

..... Petitioner

Versus

State (Chandigarh Administration, Chandigarh)

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. J.S. Lalli, Advocate for the petitioner.

Mr. Amit Kumar Goel, APP for U.T., Chandigarh.

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 in possession of 450 Kg. of *khoya* for public sale, which was wrapped in polythene packets of about 10 Kg. each. The learned Chief Judicial Magistrate, Chandigarh, vide judgment of conviction dated 14.12.2015 and order of sentence dated 15.12.2015 convicted the petitioner for the commission of offence punishable under Section 16(1)(a)(i) of Prevention of Food Adulteration Act, 1954 (for short 'the Act') and sentenced him to undergo rigorous imprisonment for six months and to pay a fine of ₹1,000/-, in default thereof to undergo further rigorous imprisonment for one month. The said judgment and order were upheld in appeal by the learned Addl. Sessions Judge, vide judgment dated 28.08.2017.

Learned counsel for the petitioner contends that there is violation of Clause (m) of Section 2 of the Act and that the contents were not found injurious to health. Therefore, the sentence of the petitioner should be reduced to minimum of three months provided under the said Section.

A perusal of the report of the Public Analyst shows that though the percentage of the milk fat was found to be slightly less than the minimum prescribed standard. However BRR of extracted fat at 40 degree C is 58.9 against the standards of 40.0 to 43.0, which indicates the presence of foreign fat. The presence of such higher quantity of foreign fat indicates that foreign fats were added in *khoya* to make it fat rich.

In these circumstances, there is no ground to reduce the sentence awarded to the petitioner by the courts below.

As such, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

November 13, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No