

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CRR No.2296 of 2017

Date of decision:20.3.2018

Chander Pal

... Petitioner

versus

State (Chandigarh Administration) Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Mohit Garg, Advocate,
for the petitioner
Mr.Y.S.Rathore, Addl.PP, UT, Chandigarh
...

AMOL RATTAN SINGH, J. (Oral)

Learned counsel for the petitioner initially argued that the petitioner had duly produced the bill/cash memo by which he had purchased the ghee in question from M/s Kailash Chand Ashok Kumar, which was exhibited as Ex.AW2/1, with the said bill not accepted on account of the fact that one of the partners of that firm, i.e. DW3 Kailash Chand, disowned the bill/cash memo stating that it was never issued by them.

Upon query as to whether any Sales Tax/VAT official had been sought to be examined to show that it was a genuine bill, the answer pf learned counsel being in the negative, when this Court was therefore not inclined to interfere with the judgments of the learned Courts below convicting the petitioner for the commission of an offence punishable under Section 7(i) of the Prevention of Food Adulteration Act, 1954, punishable under Section 16(1)(a)(i) of that Act, he restricts his prayer to the issue of quantum of sentence alone.

The learned trial Court had sentenced the petitioner to undergo

rigorous imprisonment for 1 year and had also imposed a fine of Rs.2000/- upon him, which sentence was upheld by the learned appellate Court vide the impugned judgment dated 6.6.2017.

The Additional PP, UT, Chandigarh, has referred to the custody certificate dated 1.8.2017, in which the petitioner is shown to have undergone 2 months of actual sentence, with a remission of 4 days earned.

Learned counsel for the petitioner therefore submits that the petitioner had already undergone more than 6 months imprisonment at the time when he was actually bailed out, pursuant to the order of this Court dated 29.11.2017, passed in this petition.

It is seen that as per the aforesaid custody certificate, there is no other criminal case shown to be registered against the petitioner. Hence, this being his first offence and the minimum punishment which is to be imposed upon any offender guilty of any offence of selling/storing/distributing/manufacturing adulterated or misbranded food, being 6 months as per Section 16(1)(a)(i) of the PFA Act, 1954, the petition is allowed to the extent that the sentence of imprisonment imposed upon the petitioner is reduced to rigorous imprisonment for 6 months, subject to his paying the fine of Rs.2000/- already imposed by the learned Courts below.

Upon payment of such fine (if not already paid), the sentence of the petitioner already having been suspended and he therefore already being out on bail, the bail and surety bonds be discharged as per procedure.

20.3.2018
pk/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No