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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.A. 556/2017

STATE

..... Appellant

Represented by: Ms. Rajni Gupta, APP for State with
Mr. M. Krishnan, DLA, Food Safety.

versus

DHEERAJ KUMAR JAIN

..... Respondent

Represented by: None.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

20.11.2018

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1. Present appeal has been filed by the State seeking enhancement of sentence to the respondent. Respondent has been convicted for offence punishable under Section 16(1A) of Prevention of Food Adulteration Act and sentence till the rising of the Court has been awarded. Case of the prosecution is that since the offence entails minimum punishment of six months, the same should be awarded.

2. This issue was considered by the Hon'ble Supreme Court in the decision reported as 2016 SCC OnLine SC 175 Nemi Chand vs. State of Rajasthan wherein following the decision of the Supreme Court reported as 1983 (1) SCC 177 T. Barai vs. Henry Ah Hoe, it was held that retrospective statute is different from an ex-post factor statute and if subsequently by an amendment the punishment is reduced for an offence the rule of beneficial constructions requires that even ex-post facto law of such type should be applied to mitigate the rigour of law.

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3. Consequently, this Court finds no merit in the appeal.
4. Appeal is dismissed.

MUKTA GUPTA, J.

NOVEMBER 20, 2018
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