

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

**CRR No.1691 of 2019
Date of decision : 08.09.2022**

Palwinder Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Parampreet S. Paul, Advocate
for the petitioner.

Ms. Kanica Sachdeva, Asstt. Advocate General, Punjab
for the respondent/State.

PANKAJ JAIN, J. (ORAL)

Petitioner is in appeal against the order passed by Additional Sessions Judge, Rupnagar, dated 12th of July, 2019 whereby judgment of conviction and order of sentence passed against the petitioner for offences punishable under Sections 52 and 59 of the Food Safety and Standards Act, 2006 (for short, '2006 Act') has been affirmed.

2. As per the allegations levelled against the petitioner, 20 litres of carbonated water was found in his premises. The content of sugar therein was 183.2 ppm instead of 100 ppm which is the maximum prescribed limit. Complaint under Sections 52 and 59 of the 2006 Act was filed by an authorized person. Trial Court found that :-

“17. Therefore, taking into consideration, the report of

analyst i.e. Dated 5.6.2015 prepared by Food Analyst, Punjab Chandigarh on the basis of sample taken from the premises of accused was found to be 'misbranded and unsafe'. Moreover, accused was the manufacturer of the sweetened carbonated water, found to be unsafe and misbranded.

18. Thus, in the light of above said discussion, the prosecution has remained successful in bringing home the guilt of the accused under Sections 52 and 59 of Food Safety & Standards Act, 2006. So, accused is held guilty under Sections 52 and 59 of Food Safety & Standards Act, 2006. Let the accused be taken into custody and be heard on question of sentence.”

And, he was awarded following sentence :

Offence under Section	Sentence
U/s 52 of Food Safety and Standards Act, 2006	To pay penalty of Rs.30,000/- and in default of payment of fine, he will further undergo R.I. for one month.
U/s 59 of Food Safety and Standards Act, 2006	To undergo R.I. for two months and to pay fine of Rs.25,000/-. In default of payment of fine, he will further undergo R.I. for one month

3. The judgment and the order of sentence was taken in appeal before the Appellate Court by the petitioner. The Ld. Appellate Court affirmed the same maintaining the sentence awarded by the Trial Court. Hence, this revision petition.

4. Ld. Counsel for the petitioner submits that he does not wish to argue the merits of the case but prays for reduction of the sentence and

modification thereof from two months R.I. awarded by the Trial Court to the period already undergone i.e. 25 days. In support of his contention, he relies upon the judgment passed by this Court in **CRR No.1337 of 2019** titled as **Isrile and others**, **CRR No.1353 of 2008** titled as **Raghunath vs. State of Punjab**, wherein the petitioners have been granted similar relief. He further contends that though the allegation against the petitioner relates to offence under Food Safety and Standards Act, 2006, yet it is not the case of the prosecution that the carbonated water found from his premises was unfit for human consumption. He also submits that the petitioner is 45 years of age. He is sole bread winner of his family comprising of his ailing father and two minor children.

5. I have heard Ld. Counsel for the parties and have gone through the records of the case.

6. The petitioner is first time offender and is not involved in any other case. The complaint relates to the year 2016. He has already suffered protracted ordeal of criminal litigation for 6 years. Taking into consideration all the aforesaid facts, the sentence awarded to the petitioner by the Trial Court is modified from 2 months R.I. to 25 days i.e. the period he has already undergone of actual sentence. The sentence w.r.t. penalty awarded by the Trial Court is maintained. Thus, now the order of sentence is modified to the following extent:-

Offence under Section	Sentence
U/s 52 of Food Safety and Standards Act, 2006	To pay penalty of Rs.30,000/- and in default of payment of fine, he will further undergo R.I. for 25 days (already undergone) .
U/s 59 of Food Safety and Standards Act, 2006	To undergo R.I. for 25 days (already undergone) and to pay fine of Rs.25,000/-. In default of payment of fine, he will further undergo R.I. for one month

7. Both the sentences shall run concurrently.
8. The revision petition is accordingly disposed off in the aforesaid terms.

September 08, 2022
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No