

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

**(365)****CRR-3672-2016 (O&M)**

Reserved on: 09.05.2023

Date of Pronouncement: 12.05.2023

Ravinder Kumar

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Achin Gupta, Advocate, for the petitioner.

Mr. Amit Shukla, AAG Punjab

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**HARKESH MANUJA, J.(ORAL)**

1. By way of present revision petition challenge has been made to the judgment dated 16.09.2016 passed by the Addl. Sessions Judge, Faridkot whereby, conviction of the petitioner vide judgment dated 09.01.2013 passed by Chief Judicial Magistrate, Faridkot has been upheld.

2. Brief facts of the case are that a complaint against petitioner was filed by one Kanwalpreet Singh, Government Food Inspector, Faridkot, under Section 16 (1) of the Prevention of Food Adulteration Act (hereinafter to be referred to as the Act) as he was found in possession of 15 Kg of Tomato Sauce contained in Drum meant for sale for human consumption, which was later found adulterated on analysis. As offence punishable Under Sections 7/16 were prima facie found to be committed, he was put to trial and learned CJIM, Faridkot vide judgment dated 09.01.2013 held him guilty and convicted for offence Under Sections 7/16 of the Act. The petitioner

was sentenced to undergo Rigorous imprisonment for a period of two years and fine of Rs.2000/- was also imposed upon him and in default of payment of fine; he was further sentenced to undergo simple imprisonment for a period of two months.

3. Appeal filed before Addl. Sessions Judge, Faridkot was also dismissed vide judgment dated 16.09.2016 as no illegality or infirmity was found in the judgment of the learned lower Court. 4.

By way of present revision petition, both the aforementioned judgments have been impugned. At this stage it would be relevant to mention here that vide order dated 14.12.2016 of this Court, petitioner was ordered to be released on suspension on his furnishing bail bonds/ surety bonds to the satisfaction of the Chief Judicial Magistrate, Faridkot.

5. On Last date of hearing i.e. on 02.05.2023, Counsel for the petitioner, rather than pressing the petition on merit, submitted that the petitioner is 83 years old aged man suffering from multiple diseases and he has been facing the agony of trial since 2008 and no other case is pending against him and thus prayed for grant of benefit of probation. Accordingly learned State counsel was directed to furnish the report from the Probationary Officer as enjoined under Section 4 (2) of the Probation of Offender Act, 1958.

6. In compliance of order dated 02.05.2023, report by District Probation Officer has been brought on record by way of Short affidavit of Rajiv Kumar Arora, PPS, District Probation Officer Faridkot. As per this report petitioner seems to have led a normal and reasonable life. The family shares a cordial relationship with other families in the neighborhood and the overall environment around him seems to be

quite peaceful. Therefore, considering the mitigating factors like lack of prior criminal record, medical issues and old age of the offender, he being bed ridden, it has been recommended that the accused may kindly be granted the benefit of probation in the interest of Justice.

7. In view of the fact that petitioner being of old age and a first offender with multiple medical issues besides considering the report submitted by the District Probation Officer under section 4(2) of the Probation of Offenders Act, 1958 regarding the conduct of the petitioner post the filing of complaint, I am of the considered opinion that the present is a fit case to release the petitioner under section 4(1) of the act.

8. Accordingly, petitioner is ordered to be granted the benefit of probation under section 4(1) of the Probation of Offenders Act, 1958 (hereinafter referred as 1958 Act) subject to his furnishing probation bond in the sum of Rs. 5,000/- for a period of 3 months, with an undertaking to appear and receive the sentence as and when called upon during the period of 3 months, and in the meantime to keep peace and be of good behaviour.

9. Therefore, in view of the aforesaid discussion and taking into account the facts and circumstances of the case, revision petition is dismissed.

10. Pending miscellaneous application(s), if any, shall also stand disposed of.

12.05.2023  
anil

**(HARKESH MANUJA)**  
**JUDGE**

whether speaking/reasoned: Yes/No  
whether reportable: Yes/No