

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

228

CRR-2403-2011 (O&M)

Date of Decision: 25.04.2024

Charan Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. R.K. Dhiman, Advocate for the petitioner.

Mr. G.S. Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The instant revision has been preferred by Charan Singh, challenging judgment dated 20.08.2011 passed by the learned Additional Sessions Judge, Panipat, whereby, judgment of conviction and order of sentence dated 07.10.2010 and 08.10.2010 respectively passed by the Chief Judicial Magistrate, Panipat, in complaint case bearing No.56-2 of 2004, has been upheld, vide which, the accused – petitioner has been convicted and sentenced to undergo RI for a period of one year for commission of offence punishable under Section 7 read with Section 16(1)(a) of the Prevention of Food Adulteration Act, 1954 along-with fine to the tune of Rs.1000/- and in default thereof, to undergo further imprisonment for one month.

2. At the very outset, learned counsel for the petitioner contends that in view of the concurrent findings of both the Courts below, he does not want to challenge the conviction of the petitioner. However, he submits that in view of the circumstances of the case, the sentence awarded by the Courts below is on higher side.

3. Here it would be pertinent to mention that petitioner did not challenge his conviction on merits and only confined his relief qua quantum of sentence. This Court has also scrutinized the impugned judgment(s) as well as the relevant documents/evidence and is of the considered view that there is no scope for any interference in impugned judgment(s) as far as the conviction of the petitioner is concerned. As such, the conviction of the petitioner is upheld.
4. As far as quantum of sentence is concerned, there are mitigating circumstances to take a lenient view in the matter of sentence awarded by the trial court and upheld by the appellate court. Moreover, petitioner has already suffered incarceration for a period of more than three months out of total substantive sentence of one year. Thus, this court is of the considered view that a chance be given to the petitioners to reform & improve himself; to become a good citizen; and to lead a peaceful & harmonious life.
5. Taking into consideration the above narrated discussion as well as the fact that petitioner has not challenged his conviction on merits, while affirming their conviction, the order of sentence is modified to the extent to the period already undergone by him with no change in fine clause.
6. With the aforesaid modification in the quantum of sentence, the revision petition stands disposed of.

25.04.2024
D.Bansal

(SANDEEP MOUDGIL)
JUDGE

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