HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Revision Petition No. 180/2006

Sohan Lal S/o Shri Gayanaram, B/c Kumhar, R/o Sahjipura, Tehsil and District Hanumangarh

----Petitioner

Versus

State of Rajasthan

----Respondent

For Petitioner(s)	:	Mr. D.K. Gaur
For Respondent(s)	:	Ms. Sonu Manawat, PP

HON'BLE MR. JUSTICE MANOJ KUMAR GARG

Order

29/01/2025

1. By way of filing the instant Criminal Revision Petition under Section 397/401 of Cr.P.C., challenge has been made to the judgment dated 21.02.2006 passed by the learned Addl. District & Sessions Judge (Fast Track), Hanumangarh in Criminal Appeal No.24/2005, whereby the learned appellate court affirmed the judgment dated 03.04.2001 passed by the learned Chief Judicial Magistrate, Hanumangarh in Criminal Case No.107/1998 convicting the petitioner for the offence under Section 7/16(1)(a)(i) of Prevention of Food Adulteration Act and sentencing him to undergo one year’s simple imprisonment alongwith a fine of Rs.2,000/- and in default of payment of fine, to further undergo three months’ S.I.

2. Bereft of elaborate details, facts relevant and essential for disposal of the instant criminal revision are that on 01.06.1997 Food Inspector Rajender Prasad took samples of milk from the

shop of the petitioner. After following due procedure, the samples were sent for examination and the same were found to be adulterated.

3. The Learned Magistrate framed the charge against the petitioner for the offence under Section 7/16(1)(a)(i) of the Prevention of Food Adulteration Act and upon denial of guilt by him, commenced the trial. During the course of trial, the prosecution in order to prove the offence, examined five witnesses and exhibited various documents. The accused, upon being confronted with the prosecution allegations, in his statement under Section 313 CrPC, denied the allegations and claimed to be innocent. Then, after hearing the learned Public Prosecutor and the learned Defence Counsel and upon meticulous appreciation of the evidence, learned trial court convicted and sentenced the petitioner for the offence under Section 7/16(1)(a)(i) of Prevention of Food Adulteration Act vide judgment dated 03.04.2001. Aggrieved by the judgment of conviction, he preferred an appeal, which was dismissed by the learned appellate court vide judgment dated 21.02.2006. Hence, this revision petition is filed before this court.

4. After arguing the case on merits to some extent, learned counsel appearing for the petitioner submits that he will not assail conviction of the petitioner and confines his arguments to the alternative prayer of reduction of the sentence awarded by the trial court. He submits that the incident in the present case pertains to the year 1997. The petitioner was not having any criminal antecedents and it was the first criminal case registered against him. No adverse remark has been passed over his conduct

except the impugned judgment. The petitioner has already suffered agony of protracted trial of 28 years. The petitioner has remained in custody for a period of forty seven days out of total sentence of one year's S.I. With these submissions, learned counsel prays that by taking a lenient view, the sentence awarded to the petitioner may be reduced to the period already undergone.

5. Learned public prosecutor has, of course, been able to defend the case on merits. However, she does not refute the fact that the petitioner is an old aged person. It was the first criminal case registered against him and he had no criminal antecedents as well as the fact that he has remained behind the bars for some time after passing of the judgment in appeal.

6. Since the revision petition against conviction is not pressed and after perusing the material, nothing is noticed which requires interference in the finding of guilt reached by learned trial court and affirmed by the appellate court, this court does not wish to interfere in the judgment of conviction. Accordingly, the judgment of conviction is maintained.

7. As far as the question of quantum of sentence in concerned, it is worthwhile to note that the case pertains to the year 1997 and much time has gone by since then. The trial took 4 years to culminate and it took further 5 years in decision of the appeal. Thereafter, this appeal is pending before this court for last 18 years. The right to speedy and expeditious trial is one of the most valuable and cherished rights guaranteed under the Constitution. The petitioner has already suffered the agony of protracted trial, spanning over a period of more than 27 years and has been in the corridors of the court for this prolonged period. It was the first

criminal case registered against him. He has not been shown to be indulged in any other criminal case except this one. He remained incarcerated for a period of forty seven days out of total sentence of one year's S.I. In view of the facts noted above, the case of the petitioner deserves to be dealt with leniency. The petitioner also deserves the benefit of the consistent view taken by this court in this regard. Thus, guided by the judicial pronouncements made by the Hon'ble Supreme Court in the cases of ***Haripada Das Vs. State of West Bangal***, reported in (1998 9 SCC 678 and ***Alister Anthony Pareira vs. State of Maharashtra*** reported in 2012 2 SCC 648 and considering the facts and circumstances of the case, age of petitioner, his criminal antecedents, his status in the society and the fact that he faced financial hardship and had to go through mental agony, this court is of the view that ends of justice would be met, if sentence imposed upon the petitioner is reduced to the period already undergone by him.

8. Accordingly, the judgment of conviction dated 03.04.2001 passed by the learned Chief Judicial Magistrate, Hanumangarh in Criminal Case No.107/1998 as well as the judgment in appeal dated 21.02.2006 passed by the learned Addl. District & Sessions Judge Fast Track, Hanumangarh in Criminal Appeal No.24/2005 are affirmed but the quantum of sentence awarded to the petitioner for the offence under Section 7/16(1)(a)(i) of the Prevention of Food Adulteration Act, is modified to the extent that the sentence, he has undergone till date, would be sufficient and justifiable to serve the interest of justice. The fine amount, as imposed by the learned trial Court, is already deposited by the

petitioner. The petitioner is on bail. He need not surrender. His bail bonds are discharged.

9. The revision petition is allowed in part. Pending applications, if any, shall stand disposed of.

10. Record be sent back.

(MANOJ KUMAR GARG),J

18-Ishan/-