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

CRR-1657-2007 (O&M)
Date of Decision:23.03.2026

Naresh Kumar

...Petitioner

VS.

State through Govt. Food
Inspector, Narwana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr.Vishal Sharda, Advocate, for the petitioner.

Mr. Rajiv Sidhu, Sr. DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgment dated 06.09.2007 passed by the Court of Additional Sessions Judge, Jind and the judgment of conviction dated 24.03.2004 and order of sentence dated 25.03.2004 passed by the Court of Sub-Divisional Judicial Magistrate, Narwana, whereby, the petitioner was convicted for the commission of offences punishable under Section 7 read with Section 16(1)(a) (i) of the Prevention of Food Adulteration Act, 1954 and was sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.1,000/- alongwith default stipulation.

2. The brief facts of the case are that Shri Dina Nath Gupta, the then Food Inspector, Narwana alongwith Dr. Om Partap, Medical Officer, CHC Uchana had inspected the premises of accused Naresh Kumar son of Dalip Chand Aggarwal, Karyana Merchant, Krishna Gali, Narwana on 27.12.1996 at



5.45 P.M. while he was in possession of three bags of tea containing 30 kg in each bag for public sale. The Government Food Inspector served notice upon him and purchased 375 grams of tea for Rs. 23/- after stirring and mixing the whole contents properly. He divided it into three equal parts and kept and preserved it as per rules provided under the P.F.A Act. One part of the sample was sent to public Analyst, Haryana Chandigarh for analysis and the other two sealed bottles were deposited with local Health authority, Narwana. The sample was analyzed by Public Analyst, Haryana, Chandigarh, who opined that the sample contains iron fillings 11614 PPM against the maximum limit of 250 PPM. On receiving the report, prosecution was launched against the accused by the Government Food Inspector and he was also served through registered post by the Local Health Authority, Narwana. On notice of complaint, accused/appellant appeared in the Court and has exercised his right to send the second part of sample for re-analysis from central Food Laboratory, Pune, which was also found to be adulterated as the sample contained total 16370 PPM iron filling and hence, it was opined to be unfit for human consumption.

3. After pre-charge evidence, the petitioner was charge-sheeted under Section 7 read with Section 16(1)(a)(i) of Prevention of Food Adulteration Act. However, he pleaded not guilty and claimed trial.

4. After charge evidence, the prosecution examined Dina Nath Gupta, Retired GFI as PW-1 and Ram Babu, Clerk, LHA as PW-2 and thereafter, the evidence of the prosecution was closed.

5. After closure of the evidence of prosecution, the statement of the petitioner under Section 313 Cr.P.C. was recorded and he denied all the incriminating evidence put to him. However, he stated that he was falsely



involved in the present case and was innocent. The petitioner chose not to lead any defence evidence.

6. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgment of conviction, however, some leniency may be shown towards him, while awarding the sentence to him. Even though, the petitioner has not challenged the judgments of conviction, still, this Court has examined the case on merits.

7. Learned State counsel contended that the petitioner does not deserve any concession regarding sentence and the present revision petition be dismissed.

8. I have heard learned counsel for the parties and perused the record carefully.

9. In the present case, the prosecution had examined PW1, Dina Nath, Retired Food Inspector, who had obtained the sample from the possession of the petitioner and proved the allegations as levelled in the complaint. Even PW-2, Ram Babu, Clerk of Local Health Authority, also supported the statement of PW1. On the basis of testimony of aforesaid two witnesses, both the Courts have rightly held that the sample of tea was taken from the possession of the petitioner, which was a representative sample and was found to be substandard and thus was found to be adulterated, as defined by the Act. Consequently, the prosecution had produced the sufficient evidence to prove the guilt of the present petitioner and the judgments of conviction passed by both the Courts are ordered to be upheld. Even otherwise, I have gone through the judgments passed by both the Courts and find no infirmity or illegality in the impugned judgments.



10. Now advertng to the order on quantum of sentence, this Court cannot lose sight of the fact that the petitioner is facing the prosecution in the present case since 17.02.1997 i.e. for the last more than 28 years. Even, the petitioner is sole bread earner of the family and no criminal case was ever registered against him. Further, the sentence imposed on the petitioner was suspended by this Court on 01.10.2007 and in the last more than 19 years, the petitioner has maintained good conduct. Even otherwise, he has already undergone 01 month of actual custody, out of total sentence of six months. Thus, keeping in view the mitigating circumstances, this Court is of the considered opinion that a lenient view can be taken while imposing sentence on the petitioner. The sentence imposed on the petitioner is reduced to the period already undergone by him. However, the sentence of fine as imposed upon the petitioner is increased from Rs.1,000/- to Rs.1,00,000/-, which shall be deposited by him before the Sub-Divisional Judicial Magistrate, Narwana, within a period of 04 weeks from the date of receipt of certified copy of this case. It is made clear that in case, the enhanced fine is not deposited within the aforesaid period of four weeks as per this order, the present order reducing the sentence of the petitioner to the period already undergone, shall automatically stand vacated and in that eventuality, the petitioner will have to undergo the actual sentence of 06 months apart from the sentence of default imposed by the Sub-Divisional Judicial Magistrate, Narwana.

11. With the above modifications, the present revision petition is partly allowed and the judgment of conviction is upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone by him and the sentence of fine as imposed upon the petitioner is increased from



Rs.1,000/- to Rs. 1,00,000/-, which shall be deposited by him before the Sub-Divisional Judicial Magistrate, Narwana, within a period of 04 weeks from the date of receipt of certified copy of this order.

12. Pending applications, if any, stand disposed of, accordingly.

23.03.2026
hemlata

(N.S.SHEKHAWAT)
JUDGE

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