



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

**CRR-1622-2008 (O&M)
Date of Decision:23.03.2026**

Subhash ...Petitioner
vs.
State of Haryana ...Respondent

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

Present : Mr.Divyam Singh, 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 21.08.2008 passed by the Court of Additional Sessions Judge, Panipat and the judgment of conviction dated 03.10.2007 and order of sentence dated 05.10.2007 passed by the Court of Chief Judicial Magistrate, Panipat, 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 on 03.01.1999 at 10.30 a.m. in the area of Kishan Pura, Panipat, complainant inspected the accused, who was found in possession of 10 Kgs of cows milk for Public sale. After serving a notice, the sample of 750 Mls of milk was purchased from the accused against proper receipt after mixing the entire contents. The purchased milk was divided into three equal parts in clean and empty bottles and formalin was added as preservative. When the sample was got analyzed from the Public Analyst,



Haryana, Chandigarh, it was found to be adulterated as it did not contain milk fat and milk solids not fat as per specified limits under the Act. On filing of complaint, the accused was ordered to be summoned by way of order dated 08.06.1999. On notice accused appeared and the second sample was sent for analysis on the request of the accused and after receiving the report and on leading of pre-charge evidence, charge against the accused was framed on 19.10.2005 for the commission of offence punishable under Section 7 read with Section 16(1)(a) of the Act, to which, he pleaded not guilty and claimed trial.

3. During the course of evidence, the prosecution examined PW1 K.K. Sharma, G.F.I., PW-2 Munni Ram, Steno, PW-3 Dr. S.K. Gupta. In documentary evidence, complainant placed reliance upon complaint Ex.PE; notice to accused Ex.PA, receipt of payment Ex.PB; Spot memo Ex.PC; Label Ex.PC/1, report of Public Analyst Ex.PD; Photo copy of postal receipt Mark A; report of C.F.L. Ex.PF, copy of letter to accused Ex.PX and postal receipt Ex.PY.

4. After closure of the evidence of prosecution, the statement of the accused under Section 313 Cr.P.C. was recorded. However, he stated that he was falsely involved in the present case and was innocent. The petitioner chose not to lead any defence evidence.

5. 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.



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

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

8. In the present case, the prosecution examined PW-1, K.K. Sharma, Government Food Inspector, who had reiterated the allegations levelled in the complaint initially. Still further, the statement of the said witness has been duly supported by the CFL report (Ex.PF). The statement of PW1, K.K. Sharma has been corroborated by the statement of PW-3, Dr.S.K. Gupta, which had taken the sample of milk after making it homogeneous. Even as per the report of Public Analyst (Ex.PD) and the report of Central Food Laboratory (Ex.PF), the sample did not conform to the standards laid down under the Act and the milk solids not fat and the milk fat were not as per the specified limits prescribed. Consequently, the officer has been rightly held guilty for commission of the offences, punishable under Section 7 read with Section 16(1)(a)(i) of the Prevention of Food Adulteration Act, 1954. Even otherwise, I have gone through the judgments passed by both the Courts and find no infirmity or illegality in the impugned judgments.

9. Now adverting 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 08.06.1999 i.e. for the last more than 27 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 24.09.2008 and in the last more than 18 years, the



petitioner has maintained good conduct. Even otherwise, he has already undergone 01 month and 07 days 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 concerned Chief Judicial Magistrate, 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 concerned Chief Judicial Magistrate.

10. 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 concerned Chief Judicial Magistrate, within a period of 04 weeks from the date of receipt of certified copy of this order.

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

(N.S.SHEKHAWAT)
JUDGE

23.03.2026
hemlata

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