



211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2058-2008 (O&M)
Date of Decision:23.03.2026

Satish Kumar ...Petitioner

VS.

State through Govt. Food Inspector, Panipat ...Respondent

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

Present : Mr.Vipul Thakur, Advocate for
Mr. Jagdish Manchanda, 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 29.09.2008 passed by the Court of Additional Sessions Judge, Panipat and the judgment of conviction and order of sentence dated 14.08.2007 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) 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 15.04.1998, Shri K.K. Sharma, Govt. Inspector, Panipat (hereinafter called as GFI) alongwith Dr. Tejinder Kharbanda inspected the premises of appellant and found him selling, inter alia, red chilly powder. GFI purchased 600 grams chilly powder as sample



against proper receipt. Sample was divided into three equal parts. Above said parts of sample were duly sealed as per law. One part of sample was forwarded to Public Analyst, Haryana, for analysis. Report of Public Analyst, Haryana indicated that sample was adulterated. Thereupon, GFI launched prosecution against the appellant through present complaint under Section 7/16 of Prevention of Food Adulteration Act, 1954.

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. In support of the prosecution case, the prosecution examined Mr. K.K.Sharma as PW-1, Muni Ram, Steno as PW-2 and Dr. T.K. Kharbanda as PW-3 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. However, he stated that he was falsely involved in the present case and was innocent. In defence evidence, the petitioner examined Gaje Singh, DW-1 as witness.

6. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgments 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, Mr. K.K. Sharma, GFI was examined as PW1, who supported the case of the prosecution. The prosecution further examined PW-2 Muni Ram, who is an official of Chief Medical Officer, Panipat and proved the dispatch of copy of report of Public Analyst, vide letter (Ex.PX) and postal receipt (Ex.PY). Dr. T.K. Kharbanda, PW3 also supported the testimony of PW1, Mr.K.K. Sharma, GFI. In the present case, PW-1, Mr. K.K. Sharma has taken the sample after duly stirring the chilli powder and there was no evidence to show that anything was added by the petitioner with chilli powder. Even PW-2, Muni Ram had duly proved the dispatch of the said report to the petitioner by forwarding letter (Ex.PX) and postal receipt (Ex.PY). Thus, the dispatch of the report also stood proved on record. Still further, there is no evidence to show that the official witnesses in the present case were inimical towards the present petitioner. 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 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 04.08.1998 i.e. for the last more than 27 years. Even, the petitioner is a shopkeeper and the 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 20.10.2008 and in the last more than 17 years, the petitioner has maintained good conduct. Even otherwise, he has already undergone 24 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 Chief Judicial Magistrate, Panipat, 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 Chief Judicial Magistrate, Panipat.

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 Chief Judicial Magistrate, Panipat, 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.

(N.S.SHEKHAWAT)
JUDGE

23.03.2026
hemlata

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