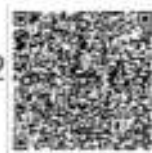


2026.PHHC.068902



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

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CRR 2599 of 2010

Date of Decision: 04.05.2026

Satbir

...Petitioner (s)

Vs.

State of Haryana

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present:- Mr. Salil Dev Bali, Sr. Advocate with
Mr. Jaiveer Singh Bali, Advocate and
Ms. Simmy Gupta, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, Sr. DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgement dated 16.09.2010 passed by the Court of Additional Sessions Judge (Adhoc), FTC, Sonapat, and the judgement of conviction and order of sentence dated 06.07.2007 passed by the Court of Sub-Divisional Judicial Magistrate, Ganaur, whereby, the petitioner was held guilty for the commission of offences punishable under Section 7 read with Section 16(1) (a) (i) of the Prevention of Food Adulteration Act and was sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs. 2000/- alongwith default stipulation.

2. Brief facts of the prosecution story are that on 17.12.1996 at about 02.30 p.m., Sh. Tek Ram, the then Government Food Inspector (PW1) accompanied with Dr. Love Dutta, Medical Officer (PW2) inspected the premises of accused-petitioner Satbir, who was found in

possession of 20 packets containing 500 gms each of Taja salt iodized in poly packs for public sale in a rack in the shop. After giving prescribed notice in writing on Form-VI to the accused, three packets of Taja salt Iodized were purchased by GFI in the same state for analysis, against a cash payment of Rs. 3/- and receipt was obtained. Sample was divided into three equal parts and was packed in three dry clean empty packets. The packets were sealed on the neck with the seal of Medical Officer, paper slip issued by the Local Health Authority (DHO), Sonapat was pasted on each packet and sealed with the seals of Medical Officer and Food Inspector at the spot. Signature of accused Satbir was obtained in such a manner that both the paper slip and the wrapper on each sealed packet carry a part of his signature.

3. One sealed packet along with a memorandum in Form VII was sent to the Public Analyst, Haryana, Karnal for analysis in a sealed packet through Railway parcel and the other two sealed packets of sample along with two copies of memo in Form VII were deposited with the Local Health Authority on dated 18.12.1996 vide No.149 in a sealed packet. A copy of memorandum in Form VII and a specimen impression of seals used to seal the sample and packet box were sent to the Public Analyst Haryana, Karnal separately by registered post vide Post Office receipt No.2164 dated 18.12.1996. The sample was taken in the presence of the witnesses. As per certificate issued by the Public Analyst Haryana, Karnal after analyst the sample was found to be adulterated and, therefore, the present prosecution has been launched against the accused.

4. In pre-charge evidence, the complainant Tek Ram, was examined as PW1 and thereafter the pre-charge evidence was closed.

5. After precharge evidence, the petitioner was charge-sheeted for the offences punishable under Sections under Sections 16(1)(a)(i) of Prevention of Food Adulteration Act, 1954, to which, he pleaded not guilty and claimed trial.

6. After the framing of charge, the complainant was duly cross-examined. Thereafter, Dr. Love Dutta, Retired CMO, was examined as PW2 and Ashok Kumar, Clerk, Local Health Authority, was examined as PW3. Subsequently, Sh. Shyam Lal, GFI, closed the prosecution evidence.

7. After closure of the evidence, the statements of the petitioner was recorded under Section 313 Cr.P.C. and he denied all the incriminating evidence put to him and stated that he has been falsely involved in the present case. No evidence was led in defence.

8. At the very outset, learned senior counsel for the petitioner submits that he does not wish to challenge the judgements of conviction passed against the petitioner by the trial Court, however, some leniency may be shown while awarding the sentence to him. Even though, learned counsel for the petitioner has not challenged the judgements of conviction, still, this Court has considered the case on merits.

9. Learned State counsel submits that the petitioner does not deserve the concession regarding sentence and the present revision petition be dismissed.

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

11. In the present case, PW1 Tek Ram, Retired Food Inspector, had proved the allegations against the present petitioner. He duly supported the contents of the complaint filed in the present case. PW2 Dr. Love Dutta, retired Chief Medical officer, also supported the testimony of PW1 Tek Ram. He stated that the sample was taken in the present case after following the due process of law. Similarly, PW3 Ashok Kumar, Clerk, stated that the report of public analyst was sent to the petitioner in the present case. From the testimonies of all the aforesaid witnesses, it is apparent that the sample did not conform to the standard laid down for Iodized salt under Item No. A15.01 of the PFA Rules. Even the weight of the sample was 400 grams against the label declaration of 500 grams. The batch number & date of manufacturing are not printed on the label as required under clause (e) and (f) of Rule 32 of the PFA rules. The address is also incomplete. It gives 1.2% of matter insoluble in water against the maximum limit of 1.0%. Iodine is absent whereas it must contain 15 parts per million of iodine content. Apart from that, as per the report of Central Food Laboratory (Ex. PJ), the petitioner had violated the PFA Rules, 1955. Even otherwise, I have carefully gone through the judgments passed by the learned trial Court and find that the same do not suffer from any infirmity, illegality, or perversity. Accordingly, the impugned judgment of convictions are ordered to be upheld.

12. Now adverting to the order on quantum of sentence, this Court cannot lose sight of the fact that the petitioner is facing the agony of trial/appeal since 12.03.1997, i.e., for the last more than 29 years. The sentence imposed on the petitioner was suspended by this Court on 08.10.2010 and in the last more than 15 years, he has maintained good conduct and have not misused the concession of suspension of sentence in any manner. As per his custody certificate, he has already undergone 27 days of actual custody. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on the petitioner is reduced to the period already undergone by him.

13. With the above modifications, the present revision petition is partly allowed and the impugned judgement dated 16.09.2010 passed by the Court of Additional Sessions Judge (Adhoc), FTC, Sonapat, and the judgement of conviction and order of sentence dated 06.07.2007 passed by the Court of Sub-Divisional Judicial Magistrate, Ganaur, are upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone by him. However, the sentence of fine will remain the same.

14. Pending applications, if any, stand also disposed of, accordingly.

04.05.2026		(N.S.SHEKHAWAT)
amit rana		JUDGE
Whether reasoned/speaking	:	Yes/No
Whether reportable	:	Yes/No