



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

203

CRR-3124-2010 (O&M)  
Date of Decision : 22.05.2026

SANJAY

.... PETITIONER

V/S

GOVERNMENT FOOD INSPECTOR, SONEPAT

.... RESPONDENT

**CORAM : HON'BLE MR. JUSTICE RAMESH CHANDER DIMRI**

Present : Mr.Rahil Mahajan, Advocate  
for the petitioner.

Ms. Shubhra Singh, Addl.A.G., Haryana.

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**RAMESH CHANDER DIMRI, J. (Oral)**

1. The petitioner and his co-accused Ajay were found in possession of 06 packets of misbranded Khatta Meetha Namkeen on 24.01.2002 kept for sale. For such possession, Food Inspector, Sonapat instituted a complaint against them. Consequent to their summoning in the same and after recording pre-charge evidence, they were charge-sheeted under Section 16(1)(a)(i) of the Prevention of Food Adulteration Act, 1954 (for brevity, '1954 Act'). The substantive charge against them in fact was that they had misbranded the said packets of Khatta Meetha Namkeen by mentioning date of manufacturing thereof as "February 2002". On conclusion of trial in the said Complaint, the petitioner was convicted under Section 16(1)(a)(i) of the said Act on 18.08.2009 whereas his co-accused Ajay was acquitted of the said charge. In terms of the said



conviction, the petitioner was sentenced to undergo rigorous imprisonment for a period of 02 years and to pay a fine of Rs.5,000/- (Rupees Five Thousand Only). In default of payment of fine, he was further sentenced to undergo rigorous imprisonment for 06 months.

2. Aggrieved of the said conviction and sentence, the petitioner filed an appeal before the Sessions Court at Sonapat. However, his such appeal was dismissed by the learned Additional Sessions Judge, Sonapat on 17.11.2010. Aggrieved of the said dismissal, he has filed the present petition. During the pendency of the present petition, sentence imposed upon him was suspended. He, therefore, is now stated to be on bail.

3. Learned Counsel for the petitioner has argued that he does not challenge conviction of the petitioner for the above-mentioned offence but since the above-stated Act was repealed in the year 2006 and at its place, Food Safety and Standards Act, 2006 (for brevity, '2006 Act') was brought into force, he may be dealt with under Section 52 of the said Act so far as imposition of sentence is concerned. In support of his arguments, he has relied upon the decisions rendered by the Hon'ble Supreme Court in the report *M/s A.K. Sarkar & Co. & Anr. Vs. The State of West Bengal & Ors., AIR 2024 Supreme Court 1562* and *Nemi Chand Vs. State of Rajasthan, 2018(17) SCC 448*.

4. On the other hand, learned Additional Advocate General, Haryana has opposed his such prayer but she could not produce any decision contrary to the above-mentioned decisions.

5. For the arguments so raised by the learned Counsel for the petitioner and also for the view taken by the Hon'ble Supreme Court in the above-stated reports, I am of the considered opinion that the petitioner

deserves to be dealt with under Section 52 of the 2006 Act for imposition



of sentence.

6. In view thereof, conviction of the petitioner under Section 16(1)(a)(i) of 1954 Act is confirmed. However, in terms of Section 52 of the 2006 Act, sentence imposed upon him is modified to a fine of Rs.1,00,000/- (Rupees One Lakh Only). Imposed fine be deposited before the trial Magistrate within two months. On deposit of the imposed fine, bail bonds furnished by the petitioner shall stand discharged.

7. The impugned order of sentence dated 18.08.2009 is modified in the abovesaid terms.

8. The present petition is accordingly partly allowed. All interim application(s), if any, is/are also disposed of.

**(RAMESH CHANDER DIMRI)**  
**JUDGE**

22.05.2026  
*anju*

Whether speaking/reasoned : Yes/No  
Whether Reportable : Yes/No