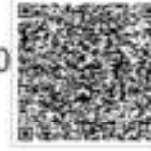


2026:PHHC:055060



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRR 447 of 2012

Date of Decision: 08.04.2026

Ashraf

...Petitioner (s)

Vs.

State of Haryana

...Respondent(s)

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

Present : Mr. Rajesh Lamba, 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 judgement dated 25.01.2012 passed by the Court of Additional Sessions Judge, Nuh and the judgement of conviction dated 17.11.2009 and order of sentence dated 20.11.2009 passed by the Chief Judicial Magistrate Nuh, whereby, the petitioner was held guilty for the offence punishable under Section 16(1)(a)(i) of the Prevention of Food Adulteration Act, 1954 (hereinafter referred to as "the Act") for having contravened the provisions of Section 7(1) of the Act and was sentenced to undergo simple imprisonment for a period of six months and to pay a fine of Rs.1,000/-. In default of payment of fine, the petitioner was further ordered to undergo simple imprisonment for a period of one month.

2. Facts of the case are that Sh. Manbir Singh, then Government Food Inspector has filed the present complaint under Section 7 read with Section 16 of the Act. It was asserted that on 23.11.2000 at about 11.30 a.m., he accompanied by Dr. Vishesh Kumar, the then Medical Officer, General Hospital, Gurgaon inspected the premises of the accused Ashraf situated at village Malab and found that accused was having in his possession about 300 lts. mixed milk for public sale contained in iron drums and demanded a sample of mixed milk by giving him notice in writing on Form VI. 750 mls. Milk was purchased after mixing with plunger clockwise and anticlockwise on payment of Rs. 9/- which was divided into three equal parts. The bottles were stoppered tightly and sealed on the neck with the seal of Medical Officer. The bottles were labelled and wrapped in strong thick paper. The ends of the paper were pasted with gum. A paper slip bearing the code no. GN-DH-IFH-F-2-1338 and signature of local health authority Gurgaon was pasted on each bottle from bottom to top. Each bottle was secured by means of strong twine and sealed with the seal of the Medical Officer and Food Inspector at the spot. Signatures of the accused were also obtained in such manner that both the paper slip and the wrapper on each sealed bottle packet carry a part of his signature. One sealed bottle along with a memorandum in form VII was sent to the Public Analyst, Haryana, Chandigarh for analysis in sealed bottles of sample alongwith two copies of memo in Form VII were deposited with the LHA on 29.11.1999 vide No. MS/2000/60 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, Chandigarh separately by registered post vide post office receipt No. 2351 dated 24.11.2000. The certificate of the Public Analyst, Haryana, Chandigarh shows that the sample contained 8.1% of milk solids not fat against the minimum specified limited on 8.5% as laid down for mixed milk under item no. A-11.01.11 of the PFA Rules 1955, hence the same is adulterated and as such the present complaint was filed. After filing of complaint, the accused was ordered to be summoned vide order dated 28.03.2001.

3. Since, the case was ordered to be tried as a warrant case, in pre-charge evidence, the prosecution examined Mahabir Singh, GFI, PW1, and the pre-charge evidence was closed.

4. On appearance, a notice of accusation was served on the petitioner for the offence punishable under Sections 7 read with Section 16 of the Act, to which, he pleaded not guilty and claimed trial.

5. In post charge evidence, the prosecution examined Mahabir Singh as PW1, Dr. S. P. Singh as PW2 and Dr. Vishesh Kumar as PW3 and, thereafter, the after charge evidence was closed.

6. The complainant also brought on record certain documentary evidence, i.e., notice to the accused Ex.PA. receipt for purchase of milk Ex. P8, spot memo Ex. PC, copy of label Ex. PC/1, postal receipt Ex. PD, letter dated 24.11.2000 sent by GFI to LHA Gurgaon Ex. PE, report of Public Analyst Ex. PF, complaint Ex. PG, letter dated 3.4.2001 of LHA sent to the accused Ex. PW2/A, postal receipt of sending the letter Ex. PW2/A to the accused Ex. PW2/B.

7. After closure of the after charge evidence, the statement 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.

8. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgement of conviction passed against the petitioner by the trial Court, however, some leniency may be shown while awarding the sentence on him. Even though, learned counsel for the petitioner has not challenged the judgement 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, the prosecution examined Mahabir Singh, GFI, PW1, who fully supported the case of the prosecution. He explained the procedure whereby the sample was collected for analysis. The sample was separated in three parts and was sealed properly. One part of the sample was sent for public analyst and on the receipt of the report, a copy of the same along with a forwarding letter was sent to the petitioner. PW2 Dr. S.P. Singh deposed that he had received four copies of the report of the Public Analyst and had handed over two copies to GFI Sh. Mahavir Singh for initiating complaint against the accused. He further deposed that GFI Sh. Mahavir Singh filed the complaint and,

thereafter, informed him accordingly. In order to comply with the provisions of Section 13(2) of the Act, he sent the report of the Public Analyst along with the forwarding letter to the accused through registered post. PW3 Dr. Vishesh Kumar was also a member of the raiding party and he reiterated the entire version of the complaint and corroborated the statement of the GFI in toto. He further deposed that, as per the report of the Public Analyst, the sample in question was found to be adulterated.

12. From the evidence led by the prosecution in the present case, it is apparent that a raid was conducted on the dairy of the petitioner where he was found retaining milk for public sale. After giving him notice, sample was taken by PW1 Mahavir Singh, GFI, who followed the mandatory procedure prescribed under the Act. Even he sent the sample for analysis and as per the report of public analyst, the sample was found to be adulterated. Even otherwise, I have gone through the judgments passed by both the Courts and found that the petitioner has been rightly convicted.

13. 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 28.03.2001, i.e., for the last more than 25 years. Even, the sentence imposed on the petitioner was suspended by this Court on 05.02.2012 and in the last more than 14 years, he has maintained good conduct. Even otherwise, he is the first time offender and has already undergone 23 days of actual custody out of total sentence of 06 months. Consequently, keeping in view the aforesaid

mitigating circumstances, the sentence imposed on him is reduced to the period already undergone by him.

14. With the above modifications, the present revision petition is partly allowed and impugned judgement dated 25.01.2012 passed by the Court of Additional Sessions Judge, Nuh, and the judgement of conviction dated 17.11.2009 and order of sentence dated 20.11.2009 passed by the Chief Judicial Magistrate Nuh, are upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone by him. However the sentence of fine shall remain the same.

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

08.04.2026	(N.S.SHEKHAWAT)
amit rana	JUDGE
Whether reasoned/speaking	: Yes/No
Whether reportable	: Yes/No