



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

250

CRR-2468-2022 (O&M)
Date of decision: 18.02.2026

Rattan Lal Goyal
....Petitioner
Versus

State through Food Safety Officer, Chandigarh Administration, Chandigarh
...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Akshay Kumar Goel, Advocate,
for the petitioner

Mr. Manish Bansal, Public Prosecutor,
for the respondent-UT Chandigarh.

AMAN CHAUDHARY, J. (ORAL)

1. The present revision petition has been preferred against the judgment dated 29.10.2022, passed by learned Addl. Sessions Judge, Chandigarh, affirming the judgment/order of conviction by trial Court on 08.02.2017, whereby petitioner was convicted and sentenced as under:

Offence u/s	Imprisonment	Fine	Default sentence
59(i) of Food Safety and Standards Act, 2006	RI for four months	Rs.20,000/-	RI one month
63 of Food Safety and Standards Act, 2006	RI for two months	Rs.10,000/-	RI two weeks

2. Shorn of unnecessary details, the facts are that a complaint under Sections 26(2)(i), 31, 59(i) and 63 of the Act was instituted on 16.10.2012 by Surinder Pal Singh, Food Safety Officer, Chandigarh against the present petitioner with the allegations that on 18.10.2011 at about 4:00 PM he alongwith a joint team



inspected the manufacturing unit in House No.2088, Pipliwala Town, Manimajra, Chandigarh of the petitioner and found accused No.1 present there dealing with the business of said manufacturing unit for self and on behalf of the petitioner, Proprietor of said business. He was in possession of about 5 Kgs. of *Burfi* in small pieces lying in a box kept on a rack for public sale in the said premises/shop. The Food Safety Officer purchased 2 Kgs. of said *Burfi* from him for the purpose of analysis and examination and divided the same into four equal parts and put into four dry and clean plastic jars and also added 40 drops of formalin as preservative and sealed the same. On analysis and examination, the contents of the sample were found to be mould effected and foul smell, therefore unsafe for human consumption.

3. After summoning the petitioner as an accused, notice of accusation under Sections 59(1) and 63 of Food Safety and Standards Act, 2006 was served upon him, to which he pleaded not guilty and claimed trial.

4. The prosecution, in support of its version, examined the complainant Surinder Pal Singh as PW1 and Miss Savita, Jr. Assistant, Office of D.O.U.T. Chandigarh as PW2. Thereafter, the statement of the accused under Section 313 Cr.P.C. was recorded. The incriminating evidence was put to him, which he denied, pleading innocence and alleging false implication. The petitioner although had opted to lead evidence in defence, but did not examine any witness.

5. The learned trial Court after hearing the learned counsel for the parties, convicted and sentenced the accused-petitioner as noticed above, which was further affirmed by the learned Appellate Court in an appeal preferred by him.

6. Aggrieved petitioner is before this Court.



7. Learned counsel restricts his prayer only for reducing the sentence awarded to the petitioner, aged 55 years, to the period already undergone, it being 20 days, on the ground that he is a first time offender; belongs to the poor strata of the society; sole breadwinner of his family; not involved in any other case; never misused the concession of bail and has been facing the agony of protracted trial for the last almost 13 years.

8. Learned State counsel opposes on the ground that the trial Court after appreciating the evidence led by the prosecution, has rightly convicted and sentenced the petitioner, therefore, prays for the dismissal of the present petition. He however, affirms the non-involvement of the petitioner in any other criminal case and the period undergone by him.

9. Heard the learned counsel on either side.

10. Evidently, the complainant-Food Safety Officer, while appearing as PW-1 had deposed in line of the complaint and his testimony remained unshaken in the cross-examination, which is duly proved by the documentary evidence on record, including the report of the Food Analyst, Ex. PF. Moreover, no evidence was led to suggest that he had any enmity or grudge with the petitioner to involve him in a false case. The findings returned by the Courts below are based on a proper appreciation of evidence and call for no interference. Consequently, the conviction of the petitioner is upheld.

11. Insofar as the prayer for reducing the sentence of the petitioner to the period already undergone is concerned, it would be worthwhile to make a reference to the judgment in **Palwinder Singh vs. State of Punjab**, CRR-1691-2019, decided on 08.09.2022, wherein the accused were convicted under Sections 52 and



59 of the Food Safety and Standards Act, 2006 and this Court had reduced the sentence to the period already undergone by him, it being 25 days, by considering that he is a first time offender and complaint related to the year 2016.

12. Keeping in view the mitigating circumstances as brought out, it would serve the ends of justice to reduce the sentence of the petitioner to the period already undergone, while enhancing the fine from Rs.30,000 to Rs.40,000/- to be paid within a period of two months, failing which, the present petition shall deem to have been dismissed.

13. The order of sentence dated 08.02.2017 is modified to the aforesaid extent and as such, the present appeal stands partly allowed.

(AMAN CHAUDHARY)
JUDGE

18.02.2026
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Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No