

Criminal Revision No.666 of 1993.

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

...

Date of Decision November 30, 2007.

Ram Kumar

... Petitioner

VERSUS

State of Haryana

...Respondent

1. Whether the Reporters of Local Newspapers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest ?

CORAM :

HON'BLE MR. JUSTICE MOHINDER PAL.

Present: None for the petitioner.

Mr.K.S. Godara,Deputy Advocate General, Haryana.

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MOHINDER PAL, J.

Petitioner Ram Kumar was sent up for trial for the offence punishable Section 16 (1) (a) (i) of the Prevention of Food Adulteration Act, 1954 (for short `the Act'), on the allegation that on November 24, 1988, he was found in possession of twenty litres of cow's milk for public sale, which was found to be adulterated. The Chief Judicial Magistrate, Rohtak, vide judgment

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of conviction dated December 20, 1991, and the sentence order dated December 21, 1991, convicted the petitioner under Section 7 read with Section 16 (1) (a) (i) of the Act and sentenced him to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/- and in default of payment of fine to undergo further rigorous imprisonment for a period of two months. Feeling aggrieved against his conviction and sentence order, the petitioner filed appeal before the Court of Session at Rohtak. Vide judgment dated September 06, 1993, the learned Additional Sessions Judge, Rohtak, upheld the judgment of conviction and the sentence order and dismissed the appeal. Hence this revision petition.

This revision petition has been filed through jail. After perusing the impugned judgments and the record of this case, I do not find any infirmity in the findings recorded by the Courts below. However, keeping in view the facts that the occurrence relates to November 24, 1988; that after a protracted trial, the petitioner was sentenced on December 21, 1991 by the trial Court; that his appeal was dismissed by the lower appellate Court on September 06, 1993; that he remained incarcerated for about two months; that Sword of Damocles remained hanging over his head for more than nineteen years; and that the petitioner was about 56 years old at the time of occurrence, I think no useful purpose will be served in sending the petitioner to prison again at this stage.

Consequently, conviction of the petitioner under Section 7 read with under Section 16 (1) (a) (i) of the Act is

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maintained. However, the sentence of imprisonment is reduced to the one already undergone by him. The sentence of fine is enhanced from Rs.1,000/- to Rs.5,000/-. The impugned sentence order stands modified to the extent indicated above. The amount of fine shall be deposited by the petitioner in the trial Court within a period of two months from the date of receipt of a copy of this order, failing which this revision petition shall be deemed to have been dismissed.

This revision petition stands disposed of accordingly.

November 30, 2007.
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(MOHINDER PAL)
JUDGE