

(1985) 01 P&H CK 0009

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Revision No. 964 of 1983

Suresh Chand

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: Jan. 8, 1985

Citation: (1985) 1 AICLR 673

Hon'ble Judges: K.P.S.Sandhu, J

Advocate: Rajesh Mahajan, H.S. Sawhney, Advocates for appearing Parties

Judgement

K.P.S. Sandhu, J.

1. The petitioner was tried, convicted and sentenced to rigorous imprisonment for six months and a fine of Rs. 1000, in default further rigorous imprisonment for three months, under Section 16(1)(a)(i) of the Prevention of Food Adulteration Act by the trial Magistrate. His conviction and sentence were upheld by the lower appellate Court. The petitioner has come up in revision in this Court.

2. The petitioner is running a dhaba at Palwal. On 22nd October, 1980, Shri Piara Lal PW took a sample of atta which the petitioner had kept for public sale after being made into chapatis. The sample was sent to the Public Analyst for analysis. According to the report of the Public Analyst, Exhibit PD, the sample was found to contain 14 living worms.

3. Mr. H.S. Sawhney, has not addressed me on merits. He submits that the petitioner is not a previous convict and that he has been facing the ordeal of trial since 1980 and has been on bail under the orders of this Court since 27th July, 1983. Therefore, he prays for leniency in the sentence. I think no useful purpose would be served by sending the petitioner to jail at this stage. I feel that a case for awarding a lesser sentence than the minimum prescribed by the law is made out. Consequently I reduce the sentence of imprisonment of the petitioner to the one already undergone by him. However, the fine and the sentence of imprisonment in lieu therefore would remain undisturbed. But for this modification this revision fails and

is hereby dismissed.

Revision dismissed.