

Saudan Singh Vs State of U.P.

Court: Allahabad High Court

Date of Decision: April 6, 2000

Acts Referred: Criminal Procedure Code, 1973 (CrPC) â€” Section 397, 401
Prevention of Food Adulteration Act, 1954 â€” Section 16, 7

Hon'ble Judges: B.K.Rathi, J

Final Decision: Partly Allowed

Judgement

B. K. Rathi, J.

This is a revision under Sections 397/401 Cr. P.C. against the order dated 23184 passed by Sri R.S. Agarwal, Sessions Judge, Mathura in Criminal Appeal No. 27 of 1983 Saudan v. State.

2. I have heard Sri Rajul Bhargava, learned counsel for the revisionist and the A.G.A.

3. The facts of the case are as follows.

4. The sample of milk, which the revisionist was exposing for sale, was taken on 4981, It was found to be adulterated and by an order dated 251

83 the revisionist was convicted for the offence under Section 7/16 RF.A. Act and was sentenced to nine months R.I. and a fine of Rs. 1500/.

Against that order the revisionist preferred Criminal Appeal No. 27 of 1983, which was dismissed but the sentence was reduced to six months R.

I. and a fine of Rs. WOO/ by an order dated 23184. Against that order, the present revision has been preferred.

5. It is contended by the learned counsel for the revisionist that there is no compliance of Sections 13(2) and 10(7) RF.A. Act and the conviction is

bad in law. Proper statement under Section 313 Cr. P.C. was not recorded. I have considered the arguments. In this case even the record has not

yet been summoned and the revision is pending since the year 1984. If the record is summoned, it will cause further delay for one or two years in

the disposal of the revision. The sample was taken about 20 years before and the conviction was recorded in the year 1983. The judgment shows

that the milk was found deficient by 33% in fat contents and 4% of milk fatty solids. Therefore, it appear that the water was added in the milk, but

it was not injurious to health.

6. Considering these facts, I maintain the conviction of the revisionist for the offence under Section 7/16 RF.A. Act. However, his sentence is

modified and is sentenced to undergo imprisonment for the period for which he was in jail and is also awarded a fine of Rs. 1.500/, which will be

deposited within 15 days. In default of payment of fine, he will undergo R.I. for three months.

Revision partly allowed.