

**(1996) 04 AHC CK 0140****Allahabad High Court****Case No:** Criminal Revision No. 607 of 1996

Ramesh Chandra

APPELLANT

Vs

State of U.P.

RESPONDENT

**Date of Decision:** April 26, 1996**Acts Referred:**

- Standards of Weights and Measures (Enforcement) Act, 1985 - Section 22, 30, 31, 45, 50

**Hon'ble Judges:** G.S.N. Tripathi, J**Bench:** Single Bench**Advocate:** R.B. Sahai, for the Appellant; A.G.A., for the Respondent**Judgement**

G.S.N. Tripathi, J.

This revision has been admitted on the point of sentence only.

2. The Inspector, Weights and Measures, Robertsganj, on inspection found the accused Appellant in possession of measurement scales of 200 gms, 100 gms, 50 gms, 20 gms and 10 gms, which had not been verified. The accused was challaned under Sections 30 and 31 of the Standards of Weights and Measures (Enforcement) Act, 1985 and sentenced to undergo 3 months' Simple Imprisonment and to pay a fine of Rs. 100, with the help of Section 50 of the aforesaid Act. On failure to pay the fine, further one month's Simple Imprisonment was awarded. This order was passed by the learned Chief Judicial Magistrate, Sonbhadra, dated 9.4.96. The accused preferred an appeal before the Sessions Judge, Sonbhadra, being Criminal Appeal No. 12/96. That was decided on 11.4.96. The learned Sessions Judge confirmed the rinding recorded by the learned lower Court and held that the accused was guilty of the charge u/s 45 (b) of the Act. He, however, modified the sentence of fine of Rs. 100 was not paid, with the observation that on failure to pay the fine, the sentence of one weeks Simple Imprisonment shall have to be undergone by the accused.

3. The learned Counsel Sri R. B. Sahai frankly admitted that the accused was in possession of unverified measurement scales. Thus he committed an offence by violating the provisions of Section 22 of the Act. That act is punishable u/s 45 (b) of the Act. He urged that this is the first offence committed by the accused and a lenient view should be taken.

4. It is a social offence, which the accused had been committing for increasing his personal gain. It means the accused had a mission to oppress and torment the society for his personal and selfish gains. Therefore, normally, he does not deserve any leniency in the sentence. However, this appears to be the first offence of this type committed by the accused. So, the Court has to take this fact into consideration. At the same time, the person of this nature as the accused, cannot be allowed to go scot free or with a mild sentence only, so that he may mock at the administration of justice and encourage others, similarly placed like him, to perpetrate the crime.

5. Keeping in mind the totality of the circumstances into consideration, I confirm the conviction and sentence recorded by both the courts below with a modification that the accused shall undergo only 2 months Simple Imprisonment. The sentence of fine is maintained as duly modified by the learned appellate Court.

6. With this modification, the revision is substantially dismissed and partly allowed. The accused shall undergo 2 months S.I. only and pay a fine of Rs. 100 as awarded by the learned appellate Court. On failure to pay the fine, the accused shall undergo further 7 days" S.I., as duly modified by the learned Sessions Judge.