

Mohan Vs. State

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Court : Rajasthan

Decided On : Jan-14-1974

Reported in : 1974WLN(UC)163

Judge : P.N. Shinghal, J.

Appeal No. : S.B. Criminal Revision No. 4 of 1974

Appellant : Mohan

Respondent : State

Disposition : Petition allowed

Judgement :

P.N. Shinghal, J.

1. Heard learned counsel. The petitioner has been convicted and sentenced to rigorous imprisonment for six months and a fine of Rs. 500/- Under Section 16 of the Prevention of Food Adulteration Act, 1954, (hereinafter referred to as the Act) by a judgment of the Sub-divisional Magistrate, Jalore, dated March 21, 1973 The learned Additional Sessions Judge, Jalore has dismissed the petitioner's appeal against that judgment on December 3, 1973 and he has approached this Court by means of the present revision petition.

2. The only point which has been argued by the learned Counsel for the petitioner is that relating to the sentence. He has argued that there were adequate and special reasons within the meaning of proviso (i) of Sub-section (1) of Section 16 of the Act for imposing a lesser sentence.

3. Learned Deputy Government Advocate has not controverted the argument of the learned Counsel for the petitioner that the offence of which the petitioner has been convicted falls within the purview of proviso (i) of Sub-section (1) of Section 16 of the Act, and the question is whether there are any adequate and special reasons for imposing a lesser sentence

4. IN this connection, the facts which stand-out are that the petitioner is a hawker, this is his first offence under the Act, and he has undergone more than 6 years of agony. He has also undergone rigorous imprisonment for 1 month and 13 days. These are adequate and special reasons for which I am inclined to think that, in the facts and circumstances of this particular case, the sentence of imprisonment already undergone by the petitioner and the fine of Rs. 500/- imposed on him, will serve the ends of justice. To this extent the revision petition is allowed and the impugned judgment is modified. If fine is not paid, the petitioner shall undergo the sentence which has been awarded in fault of its payment.