

Shiv Ram Alias Sawa Vs. State of Rajasthan

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Court : Rajasthan

Decided On : Apr-08-1982

Reported in : 1982WLN(UC)31

Judge : Kanta Bhatnagar, J.

Appeal No. : S.B. Criminal Revision Petition No. 123 of 1978

Appellant : Shiv Ram Alias Sawa

Respondent : State of Rajasthan

Judgement :

Kanta Bhatnagar, J.

1. Petitioner Shiv Ram alias Sawa Was tried for the offence under Section 7/16 of the Prevention of Food Adulteration Act, and sentenced to rigorous imprisonment for a period of nine months and a fine of Rs. 100/- in default to under go three months rigorous imprisonment, by the Chief Judicial Magistrate, Udaipur by his judgment dated August 2, 1976. In appeal the learned Additional Sessions Judge, Udaipur by the judgment dated March 31, 1978 reduced the substantive sentence to four months' rigorous mprisonment, but upheld the sentence of fine.

2. Learned Counsel for the petitioner does not press the revision petition on merits but prays for a lenient view being taken in view of the circumstances that a period of about nine years has lapsed since the alleged offence and the petitioner is a young man. In view of the facts and circumstances of the case the learned Public prosecutor does not oppose this prayer.

3. The petitioner has remained in custody for a period of about 36 days so far. In this view of the matter, it is not considered proper to send him behind the bars now after the lapse of such a long period during which he had undergone rigours of a long protracted trial.

4. Consequently, the revision petition is partly allowed, the substantive sentence of four month's rigorous imprisonment of the petitioner is reduced to the period he had remained in custody so far. The sentence of fine of Rs. 1000/- and in default to undergo three months' rigorous imprisonment is however maintained. The petitioner has already deposited the amount of fine. He is on bail. His bail bonds standd ischarged.

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