

AlladIn Vs. State of Rajasthan

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Court : Rajasthan

Decided On : Apr-08-1982

Reported in : 1982WLN(UC)155

Judge : Kanta Bhatnagar, J.

Appeal No. : S.B. Criminal Revision Petition No. 142 of 1978

Appellant : Alladin

Respondent : State of Rajasthan

Judgement :

Kanta Bhatnagar, J.

1. Petitioner Alladin was tried for the offence under section 7/16(1)(a) of the Prevention of Food Adulteration Act, 1954 (for short 'the Act'), and by the judgment dated March 8, 1978 was convicted by the Chief Judicial Magistrate, Jaisalmer for the aforesaid charge and sentenced to six months rigorous imprisonment & a fine of Rs. 1000/-, in default to undergo six months rigorous imprisonment. In appeal against the judgment the learned Additional Sessions Judge No. 1, Jodhpur (Camp Jaisalmer) upheld the conviction and affirmed the sentence awarded to the petitioner. The petitioner has now invoked the revisional jurisdiction of this Court on sentence only.

2. Learned Counsel for the petitioner submits that the matter relates to February 1976 and the petitioner had remained in custody for a period of 22 days. Learned Counsel submits that in view of the facts and circumstances of the case, lapse of period since the commission of the crime and the fact that the petitioner is not pursuing the profession of sale of milk now and belongs to Jaisalmer which is a draught stricken area, a lenient view may be taken and he may not be sent behind the bars again. Learned Counsel also prayed for a lenient view regarding the sentence of fine on the ground that the financial condition of the petitioner is very poor. The learned Public Prosecutor, in view of this circumstances of the case, does not contest this prayer.

3. The case relates to February 1976 Prior to the amendment of the Act, relating to the mandatory provision of passing minimum sentence in cases of this type. Prior to the amendment it was permissible to the court to impose a sentence of imprisonment for a term less than six months and a fine of less than Rs. 1000/- in cases falling under sub-clause (a) of sub-section (1) of section 16 of the Act. The petitioner has undergone a sentence of 22 days so far. In my opinion; when he is said to have left this profession and belongs to the draught stricken area where it would be difficult for the family members of the petitioner to feed themselves in case he is sent behind the bars now, coupled with the fact that a period of more than six years has lapsed since the date of the incident, I am inclined to hold that the ends of justice would meet if the substantive sentence is reduced to the period of imprisonment he had suffered so far. In view of the financial condition of the petitioner, as narrated above, by his learned Counsel, it is also considered proper to reduce the amount of fine imposed on him.

4. Consequently, the revision petition is partly allowed, the conviction of the petitioner of the aforesaid offence is maintained. His substantive sentence is reduced to the period he had remained in custody so far. The amount of fine of Rs. 1000/- is reduced to Rs.500/- in default to undergo three months' rigorous imprisonment. The petitioner is allowed two months' time to deposit the amount of fine in the trial court.