

Kaln Vs. the State of Rajasthan

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Court : Rajasthan

Decided On : Dec-13-1978

Reported in : 1978WLN(UC)446

Judge : P.D. Kudal, J.

Appeal No. : S.B. Criminal Revision No. 165/1976

Appellant : Kaln

Respondent : The State of Rajasthan

Judgement :

P.D. Kudal, J.

1. This revision petition is directed against the judgment of the learned Session Judge, Kota dated 15th April, 1976, whereby the accused-petitioner has been convicted under Section 7/16 of the Prevention of Food Adulteration Act and sentenced to three months' rigorous imprisonment and a fine of Rs. 300/- and in default of payment of fine to undergo further rigorous imprisonment for one month.

2. The learned Counsel for the accused-petitioner has contended that the offence relates to 21st May, 1970. He has further contended that the accused has already remained in custody from 15th April, 1976 to 3rd July, 1976 and, thus, it is contended that he has already remained in custody for about two months and 18

days. Under these circumstance. It is contended that the sentence undergone by the accused-petitioner may be deemed sufficient.

3. Mr. Garg, learned Public Prosecutor appearing on behalf of the State, does not oppose the request of the learned Counsel for the accused-petitioner.

4. Respective contentions of the learned Counsel for the parties have been considered and the record of the case carefully perused.

5. The accused-petitioner was in custody from 15th April, 1976 to 3rd July, 1976 Both the judgments in Criminal Appeal No. 113 of 1976 and 96 of 1976 were pronounced on 15th April, 1976. The accused, it is contended, while in custody was undergoing the sentences in both these cases. In the interests of justice, it is hereby directed that both the sentences shall be deemed to have run concurrently.

6. For the reasons stated above, the revision petition is partly allowed The substantive sentence of three months' rigorous imprisonment is reduced to like sentence already undergone. The fine of Rs. 300/- is, however, sustained. If the fine has not been deposited as yet, the same shall be deposited within one month failing which the accused-petitioner shall undergo rigorous imprisonment for two months The fine, if, not deposited, may be deposited within one month, failing which the Chief Judicial Magistrate, Kota shall take necessary steps to cause the accused arrested to undergo the sentences awarded to him in default of payment of fine

7. The revision petition is partly allowed as indicated above.