

Millu Mal Vs. the State of Rajasthan

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Court : Rajasthan

Decided On : Apr-30-1984

Reported in : 1984WLN(UC)231

Judge : S.C. Agarwal, J.

Appeal No. : S.B. Criminal Revision No. 108 of 1984

Appellant : Millu Mal

Respondent : The State of Rajasthan

Judgement :

S.C. Agarwal, J.

1. This revision petition is directed against the judgment dated 24th April, 1984 passed by the Addl. Sessions Judge No. 1, Ajmer. By the judgment aforesaid, the Addl. Sessions Judge Ajmer has upheld the conviction of the petitioner for offence under Section 7/16 of the Prevention of Food Adulteration Act, 1954 (hereinafter referred to as the Article and sentence to rigorous imprisonment for a period of six months and a fine of Rs. 1000/ in the event of default of payment of fine, to undergo father simple imprisonment for a period of 1-1/2 months imposed by the chief Judicial Magistrate Ajmer. It has been found by the courts below that on 20th March, 1975 the petitioner was selling flour on his flour-mill and tin sample of that flour was taken by the Food Inspector and on chemical examination, the said

sample was found to be adulterated.

2. Shri Dave has not challenged the conviction of the petitioner for the offence under Section 7/15 of the Article. I have also examined the findings of the courts blows and find no reason to interfere with the order of conviction passed by the courts. Shri Dave has, however, submitted that taking onto consideration the facts and circumstances of the case, the sentences awarded to the petitioner may be reduced to the period of imprisonment of already undergone by him. In this connection, the submission of Shri Dave was that the petitioner has not been previously convicted for any offence under the Act and that the petitioners is about 69 years of old and he is in jail since 24th April, 1984. Shri Dave has submitted that this case relates to the period of prior to the amendment of the Act by Act No. 34 of 1976 and that under the provisions of Section 16 as it stood at the relevant time, it was permissible to the court to award a lesser sentence for adequate and special reasons. According to Shri Dave reasons are sufficient to impose a lesser sentence. Taking into consideration the facts and circumstances referred to above specially the age of the petitioner and the fact that he has not been previously convicted of any offence under the Act, I consider it a fit case in which the sentence awarded to the accused petitioner is reduced to the period of imprisonment already undergone, but the fine imposed on him is increased from Rs. 1000/- to Rs. 2010/- and in case of default of payment of fine, he will undergo simple imprisonment for a period of 1-1/2 months.

3. In the result the revision petition is partly allowed as indicated above.

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