



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Revision Petition No. 759/2003

Bheru Jat s/o Udairamji, r/o Nandsha, Tehsil Sahada, District
Bhilwara.

-----Petitioner

Versus

State of Rajasthan

-----Respondent

For Petitioner(s) : Mr.Bheemkant Vyas.
Mr.D.L.Rawla.
For Respondent(s) : Mr.Salim Khan, P.P.

HON'BLE MR. JUSTICE KULDEEP MATHUR

ORDER

20/09/2023

This criminal revision petition under Section 397 read with 401 Cr.P.C. has been preferred against the judgment dated 1.8.2003 passed by learned Additional Sessions Judge, Bhilwara in Cr.Appeal No.79/2003 (46/2003) whereby the judgment dated 5.12.2002 passed by learned Additional Chief Judicial Magistrate, Gangapur, District Bhilwara in Cr.Original Case No.44/1996 (13/88) was upheld and the petitioner was convicted for the offence under Section 7/16 of the Food Adulteration Act and was sentenced to 6 months' simple imprisonment and a fine of Rs.1000/- and in default of payment of fine, to further undergo one month's simple imprisonment.

From the perusal of the record of the case file, it is evident that on 24.11.1987, the petitioner who was in the business of selling milk had around 10 litres milk in a tank, near Shivrata



Gate, Gangapur. The petitioner was stopped by Food Inspector and 750 ml milk was purchased by him and sent for chemical examination, wherein, it was found that the milk was adulterated. The petitioner was tried for the offences by competent criminal court and convicted vide judgment dated 5.12.2002, which came to be upheld by appellate court vide judgment dated 1.8.2003.

Learned counsel for the revisionist-petitioner submitted that the sentences so awarded to the revisionist-petitioner were suspended by this Court, vide order dated 27.8.2003 passed in S.B. Criminal Suspension of Sentences (Bail) Application No.194/2003.

Learned counsel for the petitioner submitted that the petitioner had undergone detention for some period and the case is pending against him since 1988. Learned counsel for the petitioner submitted that the petitioner is facing agony of a long protracted trial and therefore, without making any interference on merits/conviction, the sentences awarded to the present revisionist-petitioner may be substituted with the period of sentences already undergone by him.

Learned Public Prosecutor opposes the submissions made on behalf of the petitioner. However, he was not in a position to dispute that the present revision petition is pending since 2003.

Heard.

A perusal of the impugned judgments makes it manifest that the alleged incident happened in the year 1987 and the present revision petition is pending adjudication since 2003.

Hon'ble the Supreme Court of India in the case of ***Alister Anthony Pareira Vs. State of Maharashtra (2012)2 SCC 648***



and **Haripada Das Vs. State of W.B. (1998)9 SCC 678**,
pleased to observe as under:

Alister Anthony Pareira (supra)

"There is no straitjacket formula for sentencing an accused on proof of crime. The courts have evolved certain principles: twin objective of the sentencing policy is deterrence and correction. What sentence would meet the ends of justice depends on the facts and circumstances of each case and the court must keep in mind the gravity of the crime, motive for the crime, nature of the offence and all other attendant circumstances."

Haripada Das (supra)

"... considering the fact that the respondent had already undergone detention for some period and the case is pending for a pretty long time for which he had suffered both financial hardship and mental agony and also considering the fact that he had been released on bail as far back as on 17-1-1986, we feel that the ends of justice will be met in the facts of the case if the sentence is reduced to the period already undergone..."

In the light of aforesaid discussion, precedent law and keeping in view the limited prayer made on behalf of the revisionist-petitioner, the present revision is partly allowed.

Accordingly, while maintaining the conviction of the petitioner for the offence under Section 7/16 of the Food Adulteration Act, the sentences awarded to him are reduced to the period already undergone by him. The petitioner is on bail. He need not surrender. His bail bonds stand discharged accordingly.

All pending applications stand disposed of.

Record of the case be sent back to the learned court below forthwith.

(KULDEEP MATHUR),J

/tarun goyal/

Sr.No.24

