
(1998) 07 P&H CK 0072
In the Punjab And Haryana At Chandigarh
Case No : Criminal Revision 372 of 1998

Bachan Singh

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 22-07-1998

Acts Referred:

Citation : (2000) 3 RCR(Criminal) 86

Hon'ble Judges : R.L.Anand, J

Advocate : A.P. Singh, Shailender Singh, Advocates for appearing Parties

Judgement

R.L. Anand, J.

1. After hearing the counsel for the parties, I am of the considered opinion that there is no illegality in the impugned judgment so far as the conviction of the petitioner under Section 16 of the Prevention of Food Adulteration Act, is concerned.

2. The learned counsel for the petitioner, then, submitted that the petitioner is facing the agony of the criminal proceedings since 1983 and at no point of time he ever remained absent from the criminal proceedings. He prays that in this case Article 21 of the Constitution of India has been primarily flouted. In support of his contention, counsel for the petitioner relied upon Pritam Singh v. The State of Haryana, 1992(1) RCR 265 , wherein it was held that if the trial of an undertrial is prolonged for six years under the Prevention of Food Adulteration Act and no fault can be attributed to the accused, it is violation of the fundamental right under Article 21 of the Constitution of India and the High Court after referring to a Full Bench decision in 1990(3) RCR 302, quashed the proceedings. Counsel for the petitioner also relied upon Sham Lal v. State of Haryana, 1990(1) RCR 150 , where it was held that speedy trial is the right of the citizen and if the trial at the appeal and revision stage remained pending for six years, it is a fit case to acquit such person without going into the merits of the case. In the present case, the petitioner has suffered the agony of the criminal proceedings for the last more than 15 years. In my considered opinion

the ends of justice would suffice if the petitioner is directed to further pay a sum of Rs. 2,000/ in addition to Rs. 1,000/ which he was already paid. Rs. 2,000/ shall be paid by the petitioner within two weeks from today in the court of the C.J.M., Ambala.

With the above modification and observations, the revision stands disposed of.

JUDGMENT accordingly.