
(1993) 04 P&H CK 0029
In the Punjab And Haryana At Chandigarh
Case No : Criminal Revision No. 1001 of 1986

Parkash Chand

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 30-04-1993

Acts Referred:

Citation : (1993) 3 AICLR 517 : (1993) 3 RCR(Criminal) 160

Hon'ble Judges : A.S.Nehra, J

Advocate : K. S. Godara, Arun Lamba, Advocates for appearing Parties

Judgement

A. S. Nehra, J.

1. Petitioner was convicted under Section 16(1)(a)(i) of the Prevention of Food Adulteration Act, for keeping in his possession adulterated Gajar Pak, by the Chief Judicial Magistrate, Gurgaon and was sentenced to undergo imprisonment for a period of six months and to pay Rs. 1000/ as fine. In default of payment of fine, the petitioner was directed to further undergo RI for a period of three months. The appeal filed by the petitioner was dismissed on July 17, 1986 by the Additional Sessions Judge (I), Gurgaon.

2. I have heard learned counsel for the parties.

3. Mr. Ajay Lamba, Advocate, learned counsel for the petitioner, has contended that no standard is prescribed for Gajar Pak under the Prevention of Food Adulteration Act on Rules framed thereunder. In support of his contention, he has relied upon Naresh Kumar v. State of Punjab, 1981 CrL.J. 1915 and Ashok Kumar v. State of Haryana, 1984(2) Recent Criminal Report 165 : 1984(1) CLR 707 . Mr. K. S. Godara, learned counsel for the State has not been able to cite any authority of this court or of the Supreme Court taking a contrary view.

4. Accordingly, this revision petition is allowed in view of the Division Bench decision reported as Naresh Kumar v. State of Punjab (Supra). The conviction and sentence recorded by the learned courts below are set aside. Fine, if paid, be

returned to the petitioner.