

ITEM NO.8 Court 3 (Video Conferencing) SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 21031/2020

(Arising out of impugned final judgment and order dated 31-10-2019 in CRLR No. 50/2000 passed by the High Court Of Judicature At Allahabad)

SURESH KUMAR Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH Respondent(s)

(FOR ADMISSION and I.R. and IA No.101273/2020-CONDONATION OF DELAY IN FILING and IA No.101275/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.101274/2020-EXEMPTION FROM FILING O.T. and IA No.101277/2020-EXEMPTION FROM CUSTODY CERTIFICATE)

Date : 26-10-2020 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. K. L. Janjani, Adv
Mr. Manish Shankar Srivastava, Adv.
Ms. Pallavi Baghel, Adv.
Mr. Abhishek Kumar Singh, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

This is a matter under the Prevention of Food Adulteration Act, 1954 which pertains to the year 1993. Considering the fact that the Public Analyst Report was taken one year later and the Report of the Central Food Laboratory was issued much after i.e. on 19.11.1996, there may be something in the petitioner's argument that the samples themselves being tested much much after a reasonable period of time, it would be difficult to say

conclusively that 1%/4.5% of Kesari Pulse/Dal was found. Be that as it may, considering that the petitioner has already undergone sentence for a period of 113 days i.e. more than three months, we are of the view that this is a case which could have been decided under Section 16(1)(a)(g) of the Act in which the Court, for any adequate and special reasons, should have imposed a minimum sentence of three months.

This being the case, we set aside the impugned judgment only to the extent of minimum sentence to be undergone which is three months. Considering the fact that the petitioner has already undergone this sentence, the petitioner has to be set at liberty immediately.

The Special Leave Petition is disposed of.

Pending applications also stand disposed of.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(RENU KAPOOR)
BRANCH OFFICER