



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.316 of 2002

(In the matter of an application under Section 397 read with Section 401 of Cr.P.C.)

Rajesh Kumar Pradhan **Petitioner**

-versus-

State of Orissa **Opposite Party**

For Petitioner : Ms. P.S. Mohanty, Advocate
(Amicus Curiae)

For Opposite Party : Mr. S. Panigrahi, ASC

**CORAM:
JUSTICE V. NARASINGH**

DATE OF HEARING : 29.06.2026

DATE OF JUDGMENT : 28.07.2026

V. Narasingh, J. Heard learned Amicus Curiae for the Petitioner and learned counsel for the State.

1. This Criminal Revision has been filed assailing the Judgment dated 25.09.2002 passed by the learned Adhoc Additional District & Sessions Judge, Sundargarh, in Criminal Appeal No.31/32 of 2000, affirming the order of conviction qua the Petitioner dated 17.04.2000 passed by the learned S.D.J.M.,



Bonai in 2 (c) CC Case No.22 of 1998(T.R. No.1041 of 1998) under Section 16(1)(a)(1) of the Prevention of Food Adulteration Act, 1954 (hereinafter referred to as "Act, 1954"), directing the Petitioner to undergo S.I. for a period of six months and to pay a fine of Rs.1,000/- (Rupees Ten Thousand), in default, to undergo S.I for a period of six months more.

2. The prosecution case, in a nutshell, is that on 06.12.1997 at about 4:30 P.M., Mr. P.C. Nayak, the then Food Inspector for the whole of Sundargarh District, accompanied by Mr. D.C. Kacheria, Food Peon, visited the grocery shop of the accused-Appellant, Rajesh Kumar Pradhan, situated at village Narendra, Sundargarh District. At that time, the accused was found selling food articles for human consumption. After disclosing his identity, the Food Inspector inspected the shop and suspected the Masoor dal and Jeera kept for sale to be adulterated.



He served notice and collected samples after observing all statutory formalities, purchased 750 grams of Masoor dal and 450 grams of Jeera on payment of Rs.40.55/-, divided the samples into three equal parts, sealed and labelled them in the presence of the accused, and sent two sealed samples to the Public Analyst, Bhubaneswar, while depositing the counterpart samples with the C.D.M.O., Sundargarh. The Public Analyst opined that the jeera sample was not adulterated, whereas the Masoor dal sample was adulterated due to the presence of Khesari dal. Upon the accused challenging the report, the counterpart sample was sent to the Central Food Laboratory, Mysore, which confirmed that the Masoor dal was adulterated, containing Khesari dal and inorganic matter beyond the permissible limit. Thereafter, upon completion of the statutory requirements, the Food Inspector instituted prosecution against the accused under Section 16(1)(a)(i) of the Act, 1954.



3. To drive home the charge the prosecution examined 2 witnesses and several documents which were exhibited and marked as Exts.1 to 20.

Neither oral nor documentary evidence was adduced on behalf of defense.

4. It is apt to note that the Trial Court held the Petitioner guilty of offence under Section 16(1) of the Act, 1954 and directed him to undergo S.I. for a period of six months and imposed a fine of Rs.1,000/- (Rupees One Thousand), in default, to undergo S.I. for a period of six months more, which was affirmed by the learned Appellate Court, whose judgment is impugned herein.

5. Since this is an old matter and there is no appearance on behalf of the Petitioner when the matter is called, Ms. P.S. Mohanty (En. No. O. 318. of 2015) present in Court is requested to assist the Court as an Amicus Curiae.

6. Relying on the materials on record, the learned Amicus Curiae submits that the



appreciation of the evidence by the Trial Court as well as the Appellate Court being perverse merits consideration and interference by this Court in exercise of its revisional jurisdiction.

To fortify her submission, the learned Amicus Curiae has placed reliance on the judgment dated 20.04.2026 of this Court in ***Debendranath Sahoo v. State of Orissa, CRREV No.357 of 2002***, wherein, while dealing with a similar issue, this Court, taking cue from the decisions of the Hon'ble Apex Court in ***Nemi Chand v. State of Rajasthan, (2018) 17 SCC 448*** and ***T. Barai v. Henry Ah Hoe, (1983) 1 SCC 177***, was persuaded to hold that, substituting the substantive sentence with one of fine, would enure to the benefit of the accused and that conversion of the substantive sentence into one of fine would subserve the ends of justice.

7. The learned Public Prosecutor, on the other hand, submits that, since this Court is exercising



revisional jurisdiction and the prosecution has established the charge beyond all reasonable doubt, no interference is warranted in the exercise of this Court's revisional jurisdiction.

8. For the limited purpose of examining the submission advanced by the learned Amicus Curiae that the appreciation of the evidence by the learned Trial Court as well as the learned Appellate Court is perverse, this Court scrutinized the evidence on record.

9. On going through the evidence on record, it is seen that to drive home the charge the prosecution relied on two witnesses and on analysis thereof, qua the special features of the Act, 1954, this Court does not find merit in the submission of the learned Amicus Curiae that there is any patent perversity in the appreciation of evidence, warranting exercise of its revisional jurisdiction.



In this regard, this Court finds force in the submission of the learned Public Prosecutor.

10. At this stage, the learned Amicus Curiae made an alternative submission that, considering the alleged offence took place on 06.12.1997, the lapse of time since then and that there is nothing on record to indicate that the Petitioner has involved himself in any offence and keeping in view the judgment of this Court in **Debendranath Sahoo (supra)**, the sentence may be altered to one of fine, with a reduction in the quantum of fine.

11. This Court finds force in such submission. Taking note of the materials on record, the nature of the allegations against the Petitioner, who was found selling adulterated Masoor Dal in his grocery shop, and the submissions advanced by the learned Amicus Curiae, in the light of the Judgment in the case of **Debendranath Sahoo (supra)**, this Court is persuaded to hold that conversion of the substantive sentence into one of fine would



subserve the ends of justice. It is accordingly so directed.

12. Considering the role ascribed to the Petitioner, and since the substantive sentence has been set aside, this Court directs that the fine be reduced to Rs.500/- (Rupees Five Hundred), which shall be deposited before the Trial Court within two months. Failing which, the Petitioner shall undergo S.I. for a period of three days, taking into account the date of occurrence is 06.12.1997.

13. Accordingly, the Criminal Revision stand disposed of.

14. The fees of the learned Amicus Curiae shall be as per the schedule fixed by the Orissa High Court Legal Services Committee and the same shall be disbursed on being moved.

(V. Narasingh)
Judge