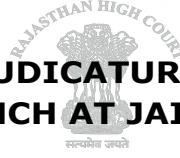




**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**



S.B. Criminal Revision Petition No. 1113/2026

URN: CRLR / 2017U / 2026

Prahlad Son Of Sh. Radheyshyam, Aged About 67 Years,  
Resident Of Chota Takhta, Tonk, District Tonk, Rajasthan.  
(Presently Confined At District Jail, Tonk)

-----Petitioner

Versus

State Of Rajasthan, Through Public Prosecutor

-----Respondent

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For Petitioner(s) : Mr. Vikas Kabra, Adv.

For Respondent(s) : Mr. Amit Punia, PP

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**HON'BLE MR. JUSTICE ANIL KUMAR UPMAN**

**Judgment**

**06/07/2026**

1. By way of this Criminal Revision Petition filed under Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner has challenged the judgment dated 12.06.2026 passed by learned Sessions Judge, Tonk (hereinafter, 'Appellate Court') in Criminal Appeal No.106/2024 dismissing the appeal and affirming the judgment of conviction and sentence dated 14.08.2024 passed by the learned Additional Chief Judicial Magistrate No.1, Tonk (hereinafter, 'Trial Court') in Criminal Case No.615/2010 whereby the petitioner was convicted for the offences punishable under Section 7(i) Rule 50(i) and Section 16 of the Prevention of Food Adulteration Act, 1954 and sentenced to undergo six months' simple imprisonment along with a fine of ₹1,000/- and in default of payment of fine, to further undergo one month's simple imprisonment.



2. Briefly stated, the prosecution case is that on 26.10.2010, PW-2 Satya Narayan Gurjar, Food Inspector inspected the business premises of the petitioner situated at Chhota Takhta, District Tonk and found approximately 150 kilograms of Mawa kept for sale. Thereafter, a sample of 750 grams was purchased, divided into three parts and one part was forwarded to the Public Analyst, Ajmer. The Public Analyst reported the sample to be adulterated and after obtaining requisite sanction, a complaint came to be filed before the learned trial Court.

3. The learned trial Court framed the charges against the petitioner for the offence under Section 7(i) Rule 50(i) and Section 16 of the Prevention of Food Adulteration Act and upon denial of guilt by him, commenced the trial. During the course of trial, the prosecution examined four witnesses and exhibited documentary evidence in support of its case. The statement of the petitioner was recorded under Section 313 Cr.P.C., wherein he denied the allegations levelled against him.

4. After hearing the learned Public Prosecutor and the learned Defence Counsel and upon meticulous appreciation of the evidence, learned trial Court convicted and sentenced the petitioner for the offence under Section 7(i) Rule 50(i) and Section 16 of the Prevention of Food Adulteration Act vide judgment dated 14.08.2024. Aggrieved by the judgment of conviction, the petitioner preferred an appeal, which was dismissed by the learned Appellate Court vide judgment dated 12.06.2026 and the finding of conviction recorded by the learned trial Court was affirmed. Hence, this revision petition.



5. After arguing the case on merits to some extent, learned counsel appearing for the petitioner submits that he will not assail conviction of the petitioner and confines his arguments to the alternative prayer of reduction of the sentence awarded by the trial Court. He submits that the incident in the present case pertains to the year 2010. The petitioner was 51 years of age at that time and presently he is aged about 67 years. He was not having any criminal antecedents and it was the first criminal case registered against him. The petitioner has remained in custody for a period of one month, out of total sentence of six months' S.I. With these submissions, learned counsel prays that by taking a lenient view, the sentence awarded to the petitioner may be reduced to the period already undergone.

6. Learned Public Prosecutor has, of course, been able to defend the case on merits. However, he does not refute the fact that it was the first criminal case registered against him and he had no criminal antecedents as well as the fact that he is behind the bars since the passing of judgment in appeal.

7. I have heard and considered the arguments advanced at bar and perused the record.

8. Upon perusal of the impugned judgments passed by the learned trial Court as well as learned Appellate Court and material available on record, this Court is of the considered opinion that both the Courts have rightly recorded conviction of the accused petitioner and no material illegality or perversity has been pointed out so as to warrant interference by this Court in exercise of its limited revisional jurisdiction. Accordingly, the conviction of the petitioner for the aforesaid offences is maintained.



9. However, this Court is conscious of the judgments rendered 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**, wherein the Hon'ble Apex Court has observed 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..."

10. The matter pertains to an incident which occurred in the year 2010. The petitioner has faced the agony of criminal proceedings for about sixteen years and is around 67 years of age and is presently in custody. Considering the overall facts and circumstances of the case, material available on record so also the age of the petitioner, the prolonged pendency of the litigation, this Court is of the opinion that the ends of justice would be adequately served if the substantive sentence of imprisonment



awarded to the petitioner is reduced to the period already undergone by him, while enhancing the amount of fine.

11. Consequently, the revision petition is partly allowed and while maintaining the conviction of the petitioner for the aforesaid offences, the substantive sentence of imprisonment awarded by the Courts below is reduced to the period already undergone by the petitioner and the fine of Rs.1000/- imposed by the trial Court is enhanced to Rs.2000/-. The sentence awarded in the impugned judgment stands modified accordingly. The accused petitioner is presently confined in District Jail, Tonk and if not required in custody in any other case, shall be released forthwith after deposit of the enhanced fine amount.

12. All pending applications, if any, also stand disposed of. The record of the learned trial Court as well as the appellate Court be sent back forthwith.

(ANIL KUMAR UPMAN),J