

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

CRIMINAL APPEAL NO(s). 514-515 OF 2002

SRI CHAND

Appellant (s)

VERSUS

STATE (GOVT. OF NCT DELHI)

Respondent(s)

(With office report )

Date: 10/08/2010 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI  
HON'BLE MR. JUSTICE C.K. PRASAD

For Appellant(s) Mr. Rakesh Khanna, Sr. Adv.  
Ms. Asha Jain Madan, Adv.  
Mr. Mukesh Jain, Adv.  
Ms. Chhaya Kumari, Adv.

For Respondent(s) Mr. P.P. Malhotra, ASG.  
Mr. Naresh Kaushik, Adv.  
Ms. Asha G. Nair, Adv.  
Mrs Anil Katiyar, Adv.

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

The appeals are disposed of in terms of the signed order.

We also direct that for a period of two months from today the appellant will not be arrested in the present proceedings.

[SUMAN WADHWA]  
COURT MASTER

[VINOD KULVI]  
COURT MASTER

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. 514-515 OF 2002

SRI CHAND .. APPELLANT(S)

vs.

STATE (GOVT. OF NCT DELHI) .. RESPONDENT(S)

O R D E R

This is a peculiar case.

The appellant was brought

to trial for offences under various provisions of the Prevention of Food Adulteration Act, 1954 and sentenced to undergo R.I. for 18 months and to pay a fine of Rs.3,000/- and in default of payment of fine, to undergo simple imprisonment for one month by the Metropolitan Magistrate, Delhi. An appeal taken to the Additional Sessions Judge was also dismissed though the sentence was reduced from 18 months to one month.

A Criminal Revision Petition was thereafter filed in the High Court and during the course of the hearing the learned counsel for the appellant pointed out that the orders of the Courts below were not being challenged on merits but he was confining his prayer to a direction to the Delhi Government to consider the appellant's case for commutation of the sentence in the light of Section 433 of the Cr.P.C.. This plea was accepted by the High court and vide its order dated 2nd November 2001 and it observed as under:

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"Considering the duration for which case remained pending with the courts below; period of custody for over 2-1/2 months, age, fact that nothing injurious to health was found in the sample as also ratio in said decisions, it would be desirable that the remainder period of minimum sentence of imprisonment of one year is commuted to fine. Accordingly, matter is referred to the Government of NCT of Delhi for consideration of commutation of the remainder period of sentence of imprisonment of the petitioner to fine under Section 433(c) Cr.P.C. of the Decision in the matter will be taken by the Government within six weeks from today."

It has been pointed out by Mr. Rakesh Khanna, the learned senior counsel, that the Lt. Governor has in the meanwhile rejected the case for commutation by order dated 15th December, 2001.

In the light of the above position we are unable to grant any relief to the appellant in the present proceedings but grant liberty to him to challenge the order of the Lt. Governor in appropriate proceedings.

Mr. Khanna, has however pointed out that notwithstanding the fact that an application had been filed about 8 years ago, a copy of the order of the Lt. Governor had not been supplied to the appellant. That is indeed a very sad reflection on the part of the Delhi Government if the assertion is true. We accordingly direct the State Government to supply a copy of the aforesaid order to the appellant within one month from today.

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The appeals are disposed of in the above terms.

We also direct that for a period of two months from today the appellant will not be arrested in the present proceedings.

.....J.  
(HARJIT SINGH BEDI)

.....J.  
(C.K. PRASAD)

New Delhi,  
August 10, 2010.