

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).1732/2004

(From the judgment and order dated 03/10/2001 in CRLR No. 11/2001 of The HIGH COURT OF DELHI AT N. DELHI)

STATE, GOVT. OF NCT OF DELHI

Petitioner(s)

VERSUS

AMAR SINGH

Respondent(s)

(With appln(s) for c/delay in filing SLP,stay)

Date: 11/03/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Petitioner(s)

Mr. K Amareswari, Sr. Adv.

Mr. B Ramana Murthy, Adv.

Mrs. Anjani Aiyagari, Adv.

Mrs Anil Katiyar,Adv.

For Respondent(s)

Mr. V.N. Sharma, Adv.

Mr. Arun Sharma, Adv.

Mr. C. Ravichandran Iyer,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard the parties.

Delay condoned.

Leave granted.

The appeal is allowed, impugned order so far the same relates

to

the sentence is set aside and sentence of imprisonment and fine awarded by
the trial Court is restored. The respondent is directed to be
taken into custody forthwith to serve out the remaining period of sentence from
which compliance report must be sent to this Court within one month from the
receipt/production of copy of this order by the trial Court.

[Charanjeet Kaur]

[Om Prakash]

Court Master

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 407 OF 2005

(arising out of SLP(Crl.) No.1732/2004)

State, Govt. of NCT of Delhi

.. Appellant(s)

Versus

Amar Singh

.. Respondent(s)

O R D E R

Heard the parties.

Leave granted.

The sole respondent was convicted by the trial Court under Section 16 (1A) of the

he

Prevention of Food Adulteration Act, 1954 (hereinafter referred to as the 'Act') and sentenced

to undergo rigorous imprisonment for a period of one year and to pay fine of Rs. 4,000/-, in

default, to undergo further imprisonment for a period of three months. The conviction and

sentence were upheld by the Sessions Court, on appeal being preferred by the respondent.

Thereafter, the respondent filed a Revision Application before the High Court which

maintained the conviction but reduced the sentence of imprisonment from one year to 21 days

and enhanced the fine from Rs. 4,000/- to Rs. 10,000/-. Hence, this appeal by special leave.

Learned senior counsel appearing on behalf of the appellant-State submitted that

under Section 16(1A) of the Act minimum sentence of one year imprisonment has been

prescribed and no discretion has been given to the Court to reduce the same.

..2/-

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This being the position, the High Court has committed an error in reducing the imprisonment from less than the minimum period prescribed under the Statute.

For the foregoing reasons, the appeal is allowed, impugned order so far the same

relates to the sentence is set aside and sentence of imprisonment and fine awarded by the trial

Court is restored. The respondent is directed to be taken into custody forthwith to serve out

the remaining period of sentence for which compliance report must be sent to this Court within

one month from the receipt/production of copy of this order by the trial Court.

.....J[B.N. AGRAWAL

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.....J [P.K.
BALASUBRAMANYAN]

NEW DELHI,
MARCH 11, 2005.