

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).3071/2004
(From the judgement and order dated 20/08/2002 in CRLR No. 645/2001 of The HIGH COURT OF DELHI AT N. DELHI)

STATE OF DELHI

Petitioner(s)

VERSUS

DALIP KUMAR

Respondent(s)

(With appln(s) for c/delay in filing SLP,exemption from filing c/c of the impugned Judgment,stay,c/delay in refiling SLP and office report)

Date: 26/11/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE J.M. PANCHAL

For Petitioner(s) Mr.B.Dutta, ASG, Mr.Vikas Sharma,Adv.with him
For Mr.D.S.Mahra, Adv.
Mrs Anil Katiyar,Adv.

For Respondent(s) Mr. Randhir Singh Jain,Adv.

UPON hearing counsel the Court made the following
ORDER

Heard learned Additional Solicitor General for India and also learned counsel for the respondent.

The respondent filed a revision petition before the Delhi High Court challenging his conviction under Sections 7 and 16 of the Prevention of Food Adulteration Act sentencing him to undergo rigorous imprisonment for one year and pay a fine of Rs.3,000/-.

The High Court reduced the sentence to the period already undergone and increased the fine to Rs.8,000/-. This was done with the consent of the counsel for the State.

We do not approve of the reduction of the sentence by the High Court. However, having regard to the fact that there is an unexplained delay of 486 days in filing this petition and the fact that the State counsel had agreed for modification of the sentence by the High Court (to the period of sentence already undergone), the order of the High Court does not call for interference. Accordingly, the special leave petition is disposed of.

(G.V.Ramana)
Court Master

(Veera Verma)
Court Master