



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRR No.1714 of 2008 (O&M)
DATE OF DECISION: 16.07.2026

JAGDISH RAM

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Sarvesh Kumar Gupta, Advocate,
for the petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

* * * *

DEEPAK MANCHANDA, J

1. In the instant revision petition, the petitioner was tried and convicted for the offence under Section 16 read with Section 7 of the Prevention of Food Adulteration Act, 1954 (hereinafter referred as 'PFA Act') by the trial Court vide judgment dated 25.09.2001 and was sentenced to undergo rigorous imprisonment for a period of six months with a fine of Rs.1,000/- and in default of payment of fine to further undergo rigorous imprisonment for a period of two months. The said judgment was challenged by the petitioner by filing an appeal before the Additional Sessions Judge (Ad hoc) Fast Track Court, Hoshiarpur, which was dismissed on 17.07.2008 thereby confirming the order of the trial Court. Thereafter, being aggrieved by both the judgments, petitioner filed this revision petition assailing the same.

2. The brief facts of the case are that a complaint against the petitioner was filed for commission of offence punishable under Section 7/16 of the PFA Act on the grounds that the complainant Dr. J.S. Bains, under the supervision of Dr. Parveen Taneja, DHO, Hoshiarpur inspected



the premises of the petitioner at about 1.30 p.m. on 28.08.1998. One Kapil Kumar joined as independent witness and found the petitioner to be in possession of 1.5 kgs khoya for the purpose of sale and human consumption. As per the analyst report, it is revealed that milk fat in the said khoya was 4.95%, which fell short of the minimum prescribed statutory standard of 20.0% and the same was categorized under the sub-standardized goods.

3. Learned counsel for the petitioner submits that though the petitioner has good case on merits, but he would be giving up the plea of merits and his only submission is about the sentence, which has been imposed by the Court below. He has further argued that the allegation against the petitioner is that he was found to be in possession of 1.5 kgs of *khoya* intended for sale and human consumption, and that the said *khoya* was alleged to be adulterated. He further submits that the petitioner is of old age, and he is no longer engaged in the said business. He further submits that out of the substantive sentence awarded, the petitioner has already undergone incarceration for a period of around 03 months and has remained on bail pursuant to the order dated 03.10.2008 passed by this Court suspending the sentence during the pendency of the present revision petition. It is further submitted, on instructions, that having regard to the nature of the offence, the petitioner's clean antecedents, and the fact that he is not involved in any other criminal case, this Court may, while maintaining the conviction, reduce the substantive sentence to the period already undergone by him, subject to enhancement of the fine, in order to meet the ends of justice and has also faced a protracted criminal proceedings of more than 25 years.



4. On the other hand, learned State counsel has filed the custody certificate dated 13.07.2026 and has opposed the prayer made by learned counsel for the petitioner.

5. I have heard the learned counsel for the parties and have gone through the record with their able assistance.

6. As per the custody certificate, the petitioner has already undergone the actual custody period of 02 months and 20 days and he is not involved in any other criminal case. It is also noticed by this Court that offence in question was committed in the year 1998 and is out on bail for more than 18 years. In the above circumstances, it will not be justified to send him behind the bars to carry out the remaining sentence or to release him on probation.

7. As per Section 20AA of the PFA Act, the provisions of Probation of Offenders Act 1958, or Section 360 of the Code of Criminal Procedure are not applicable to a person convicted of an offence under the provision of the PFA Act, unless that person is under 18 years of age. In this case, at the time of recording conviction in 2001, the age of the petitioner is mentioned to be 40 years as per the custody certificate, which means that at the time of committing the offence, he was around 37 years of age and not less than 18 years of age. As such, he cannot be granted benefit of probation in view of Section 20AA of the PFA Act.

8. As per settled proposition of law, the sentence awarded to the petitioner under PFA Act cannot be further scaled down. Neither the accused can be granted the benefit of Probation of Offenders Act, 1958 nor can he be sentenced to the period of imprisonment lesser than as provided in the Act.



9. Further, in case titled as ***State of Haryana Vs. Yad Ram, 987(1) RCR (Criminal) 264***, while dealing with the provision of PFA Act, the effect of Article 21 of the Constitution of India which provides for a speedy trial was not discussed. It cannot be disputed that right to speedy and expeditious trial is one of the most valuable and cherished rights guaranteed under the Constitution. Article 21 of the Constitution of India takes in its sweep the right to expeditious and fair trial. Even Article 39A of the Constitution of India recognizes the right of citizens to equal justice and free legal aid. To put it simply, it is the constitutional duty of the Government to provide the citizens of the country with such judicial infrastructure and means of access of justice so that every person is able to receive an expeditious, inexpensive and fair trial.

10. The said situation has already been discussed and recognized by the Hon'ble Apex Court in ***Hussainara Khatoon & Ors. Vs. Home Secretary, State of Bihar (1980) 1 SCC 81***.

11. This view was followed by this Court in ***Nand Lal v. State of Haryana (1992) 1 Rec. Cri R. 82 and Ishwar Singh v. State of Haryana 1994(1) RCR 160***. The present case is fully covered by the view expressed by the Apex Court and by this Court in the judgments cited above. Even the Coordinate bench of this Court while relying upon the same judgments in case of ***Aditya Kumar Vs. State of Haryana, 2025 SCC Online P&H 2189*** has granted the same relief as has been prayed for by the learned counsel for the petitioner.

12. While considering the petitioner's prayer for reduction of sentence, this Court finds that the considerable lapse of time since the commission of the offence, coupled with the prolonged pendency of the



proceedings, is a relevant mitigating circumstance. Further, during this period, as per learned State counsel, the petitioner has not been involved in any other criminal case and has maintained a clean record, indicating his reformation. Further, as per the custody certificate dated 13.07.2026, the petitioner has already undergone 02 months and 20 days of the substantive sentence out of the total sentence of six months of rigorous imprisonment. These factors deserve due weightage while determining the alteration of sentence awarded by the trial Court.

13. A similar issue came up for consideration before the Hon'ble Supreme Court in ***Israfil @ Pappu @ Naimuddin Khan Versus State of Madhya Pradesh, 2026 INSC 654***, wherein, having regard to the peculiar facts and circumstances of the case, including the long lapse of time and other mitigating factors, the sentence awarded to the accused was reduced. The ratio of the said decision lends support to the course being adopted in the present case. The relevant extract of the said judgment is reproduced hereunder:

*“23. This Court, in catena of cases before it, while maintaining conviction, had exercised its discretion and had reduced the substantive sentence considering long passage of time, absence of criminal antecedents and other mitigating circumstances. For instance, in **Padum Kumar vs. State of Uttar Pradesh**, while maintaining conviction for offences including Sections 467 and 468 of the IPC, this Court reduced the sentence considering the age of the matter, the sentence already undergone and taking into account the peculiar facts and circumstances of the case. The long lapse of time without any material indicating repetition of similar criminal conduct is also a relevant*



consideration while moulding sentence. The appellant has already undergone the rigours of criminal proceedings for over a decade since 2014.”

14. The Hon'ble Supreme Court has also recognized that prolonged criminal litigation is by itself a relevant mitigating circumstance while modifying the sentence. Where an accused has lived for years, or even decades, under the shadow of criminal proceedings, facing the uncertainty of the outcome and the social stigma associated with such prosecution, the said experience constitutes a significant factor that deserves to be taken into account while moulding the sentence. The Hon'ble Supreme Court has further observed that such a principle is particularly applicable in cases involving non-heinous offences, where the ends of justice can be adequately served by adopting a reformatory and proportionate approach to sentencing rather than a purely retributive one.

15. In the present case as well, the allegation against the petitioner is that he was in possession of 1.5 kgs of khoya contained in a tray for public sale, which contained only 4.95% of milk content and fell short of the minimum prescribed statutory standard of 20.0%. Subsequently, the product was declared adulterated and complaint was filed. It has been further apprised by learned counsel for the petitioner that the petitioner is no longer in the same trade/business.

16. For the reasons mentioned above, the conviction of the petitioner for an offence under Section 7/16 of the PFA Act is hereby maintained. However, keeping in view the facts and circumstances of the case and the fact that the petitioner has already faced the agony of the



protracted prosecution and suffered mental harassment for a long period of 18 years, present revision petition is partly allowed and the jail sentence as awarded by the Courts below is altered to the extent that the same is reduced to the period already undergone by the petitioner, subject to enhanced fine of Rs.5,000/- to be deposited with the concerned trial Court within a period of two months from today.

17. Bail bonds/surety bonds furnished by the petitioner stand discharged.

18. It is clarified that in case the aforesaid fine amount is not deposited within the stipulated period, the same would result in reviving the jail sentence awarded by the Courts below and the petitioner will have to then undergo the remaining jail sentence.

19. The pending miscellaneous application, if any, is also disposed of as such.

16.07.2026
'Sandeep'

(DEEPAK MANCHANDA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>