

**SUPREME COURT OF INDIA**

Lingappa Shetty

Vs.

Hubli Darvar Municipal Corpn.

Crl.A.No.155 of 1975

(S. Murtaza Fazl Ali and A. D. Koshal, JJ.)

08.02.1979

**JUDGEMENT**

**FAZAL ALI, J.:-**

1. In this appeal by special leave the appellant was convicted under Section 16 (1) of the Prevention of Food Adulteration Act and was sentenced to three months' simple imprisonment and a fine of Rs. 500. The appellant was acquitted by the trial Court, but on appeal by the State to the High Court, the High Court set aside the order of acquittal and convicted the appellant as indicated above. It appears that the appellant has already remained in jail for a period of more than two weeks. In view of the nature and circumstances of the case we feel that it is not necessary for the appellant to be sent back to jail. In this view of the matter we do not want to enter into the merits of the appeal which has also not been pressed seriously. We, therefore, while upholding the conviction of the appellant reduce the sentence to the period already served maintaining the fine. With this modification the appeal is dismissed.

Orders accordingly.

