

Bhagirath

Vs

State of Madhya Pradesh

Criminal Appeal No. 29 of 1980

(CJI Y. V. Chandrachud, V. D. Tulzapurkar JJ)

15.01.1980

ORDER

1. Heard counsel. Special leave granted.

2. Having considered the relevant evidence in the case, we are of opinion that the courts below have taken an unduly severe view of the matter. We do not feel disposed to interfere with the order of conviction since three courts have held concurrently, that an offence under Section 353 of the Indian Penal Code is made out. We therefore confirm the order of conviction. This is, however, hardly a case for imposing any sentence on the appellant. He is alleged to have "pushed" the Food Inspector, an allegation of which no corroboration is available from the contemporaneous record. Besides, the appellant was acquitted of the charge under the Food Adulteration Act. We therefore set aside the substantive sentence as also the sentence of fine. We direct that the appellant shall be released on a bond of good behaviour operative for a period of one year. The bond shall be executed by the appellant within four weeks from today in the trial court. The appellant need not surrender to his bail.

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