

Umrao Singh

Vs

State of Haryana

Criminal Appeal No. 404 of 1981

(V. D. tulzapurkar, A. N. Sen JJ)

10.04.1981

JUDGMENT

TULZAPURKAR, J. –

1. After hearing the counsel for the parties, we are satisfied that this is a case falling under the proviso of Section 16(1)(a)(i) and therefore for adequate and special reasons, the sentence lower than the minimum prescribed could be awarded. The High Court itself felt bound to award the minimum sentence but on merits was satisfied that if the legal position warranted the appellant could be given lesser sentence. We are in agreement with the view of the High Court. The appellant/petitioner is aged about 70 and suffering from asthma illness and has a clean past record. Besides, the percentage of deficiency that was noticed in the milk sold by him was 0.4 per cent in the fat contents.
2. Having regard to these facts, the expression of the view of the High Court was justified. We accordingly reduce the sentence of the appellant to the period already undergone. The sentence of fine is maintained and we are informed that he has already paid the fine. Since he is already on bail, the bail bonds be cancelled.
3. The appeal is disposed of accordingly.

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