

SUPREME COURT OF INDIA

State, Government of Nct of Delhi

Vs.

Amar Singh

Crl.A.No.407 of 2005

(B. N. Agarwal and P. K. Balasubramanyan JJ.)

11.03.2005

ORDER

1. Heard the parties.
2. Leave granted.
3. The sole respondent was convicted by the trial Court under Section 16 (1A) of the *Prevention of Food Adulteration Act, 1954* (hereinafter referred to as the 'Act') and sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of Rs. 4,000/-, in default, to undergo further imprisonment for a period of three months. The conviction and sentence were upheld by the Sessions Court, on appeal being preferred by the respondent.
4. Thereafter, the respondent filed a Revision Application before the High Court which maintained the conviction but reduced the sentence of imprisonment from one year to 21 days and enhanced the fine from Rs. 4, 000/- to Rs. 10, 000/-. Hence, this appeal by special leave.
5. Learned senior counsel appearing on behalf of the appellant-State submitted that under Section 16(1 A) of the Act minimum sentence of one year imprisonment has been prescribed and no discretion has been given to the Court to reduce the same.
6. This being the position, the High Court has committed an error in reducing the imprisonment from less than the minimum period prescribed under the Statute.
7. For the foregoing reasons, the appeal is allowed, impugned order so far the same relates to the sentence is set aside and sentence of imprisonment and fine awarded by the trial Court is restored. The respondent is directed to be taken into custody forthwith to serve out the remaining period of sentence for which compliance report must be sent to this Court within one month from the receipt/ production of copy of this order by the trial Court. Appeal allowed.