

Umrao Singh vs State Of Haryana on 10 April, 1981

Equivalent citations: AIR1981SC1723, 1981CRILJ1704, (1981)3SCC91, AIR 1981 SUPREME COURT 1723, 1981 SCC(CRI) 649 1981 (3) SCC 91, 1981 (3) SCC 91

Author: V.D. Tulzapurkar

Bench: A.N. Sen, V.D. Tulzapurkar

JUDGMENT

V.D. Tulzapurkar, J.

1. After hearing 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% in the fat contents.
2. Having regard to these facts, the expression of and 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, he should be released forthwith.
3. The appeal is disposed of accordingly.