

# Arockiyam vs The Food Protection Officer on 5 December, 2024

**Bench: J.K. Maheshwari, Rajesh Bindal**

ITEM NO.6

COURT NO.7

SECTION II-C

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.)

No(s). 2778/2022

[Arising out of impugned final judgment and order dated 02-09-2021 in CRLRC(MD) No. 736/2016 passed by the High Court of Judicature at Madras at Madurai]

AROCKIYAM

Petitioner(s)

VERSUS

THE FOOD PROTECTION OFFICER

Respondent(s)

(IA No. 29611/2022 - EXEMPTION FROM FILING O.T.)

Date : 05-12-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.K. MAHESHWARI  
HON'BLE MR. JUSTICE RAJESH BINDAL

For Petitioner(s)

Mr. N.S. Nappinai, Sr. Adv.  
Mr. V. Blaji, Adv.  
Mr. MSM Asaifhambi, Adv.  
Mr. C. Kannan, Adv.  
Mr. Vinod K. Nair, Adv.  
Mr. Nizamuddin, Adv.  
Mr. Rakesh K. Sharma, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

1. Arising out of the judgment of conviction under Section 59(1) of Food Safety and Standards Act, 2006 directing the petitioner to undergo a sentence of two months with fine of 10,000/- as reduced by the First Appellate Court and the Revisional Court (High Court), the present Special Leave Petition has been filed.

2. On 1.4.2022, notice was issued confined to the question of period of sentence.
3. None appears on behalf of the State of Tamil Nadu despite service of notice.
4. After hearing learned counsel for the petitioner and taking note of the fact that the petitioner was only a shopkeeper and not the manufacturer of the Sarbath in question, we deem it appropriate to reduce the sentence to the period already undergone subject to enhancement of the amount of fine.
5. In view of the foregoing, we allow this Special Leave Petition in part. Maintaining the finding of conviction, we modify the sentence, as directed by the High Court, to the period already undergone while enhancing the fine to the tune of 50,000/- (Rupees fifty thousand only).
6. As the petitioner is already on bail, he need not surrender. The amount of fine, as enhanced, shall be deposited within a period of two months from today in the concerned Trial Court.
7. In case of default in paying the amount of fine, as enhanced, within the specified time, the sentence as directed by the High Court shall stand revived.
8. Pending applications, if any, stand disposed of.

(GULSHAN KUMAR ARORA)  
AR-CUM-PS

(NAND KISHOR)  
COURT MASTER