

Lakhmi Chand vs The State Of Madhya Pradesh on 24 August, 2023

Author: Prem Narayan Singh

Bench: Prem Narayan Singh

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IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
CRR No. 3791 of 2023
(LAKHMI CHAND Vs THE STATE OF MADHYA PRAD)

Dated : 24-08-2023

Shri Akhil Godha - Advocate for the petitioner.

Shri H.S.Rathore - Government Advocate for the respondent.

Heard.

Admit.

Record be called.

List for final hearing in due course.

Also heard on I.A. No. 12854/2023, which is an application filed under Section 397 of the Code of Criminal Procedure, 1973 for suspension of jail sentence and grant of bail on behalf of applicant.

2. The applicant has been convicted under Section 3(zz), 26 (2) (i) r/w Section 59 (1) of Food Safety and Standard Act of 2006 Sub-Rule 2011 and sentenced to undergo two months R.I with fine of Rs.10,000/- and usual default stipulations.

5 . Learned counsel for the applicant submitted that the Courts below have not properly appreciated the oral and documentary evidence available on record and committed error in convicting the applicant. The samples of food which was collected by the Food Inspectors were in polythene bags, whereas the Rule of Food Safety and Standard Act, 2006 prescribes that the samples should always be collected in containers, jars or bottles. This revision would take considerable long time to dispose of finally. Under these circumstances, looking to the short sentence, learned counsel prays that the application for suspension of sentence of the petitioner be allowed.

6. Learned counsel for the State opposed the prayer and prayed for dismissal of the application for suspension of sentence.

7 . Looking to the facts and circumstances of the case, contention of learned counsel for the petitioner, the short sentence of the petitioner, without commenting on the merits of the case, the application is allowed and it is directed that subject to depositing the fine amount, if already not deposited, the petitioner shall be released on bail, on furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty thousand only) with a solvent surety in the like amount to the satisfaction of Trial Court, for his appearance before the Registry of this Court firstly on 18.10.2023 and on such other dates, as may be fixed by the Registry in this regard, till final disposal of this revision.

Certified copy as per rules.

(PREM NARAYAN SINGH) JUDGE rashmi