

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 186 OF 2006

NAUSHAD . . . . . APPELLANT  
VERSUS  
STATE OF U.P. . . . . RESPONDENT

O R D E R

1. The appellant herein was apprehended by the Food Inspector on 4<sup>th</sup> August, 1981, while retailing milk. The Public Analyst in his Report dated 26<sup>th</sup> August, 1981 opined that the milk was adulterated inasmuch as that the milk contained 6.7% non-fatty solids which was below the prescribed standard of 9%. The appellant was, accordingly, tried and convicted under Sections 7/16 of the Prevention of Food Adulteration Act, 1954 and sentenced to undergo rigorous imprisonment for six months and a fine of Rs.1,000/- and in default of payment of fine to undergo simple imprisonment for three months. An appeal was thereafter taken to the Additional Sessions Judge, Muzaffar Nagar, who vide his judgment dated 5<sup>th</sup> November, 1985, maintained the conviction and sentence. A revision

petition filed by the appellant before the High Court was also dismissed on 28<sup>th</sup> July, 2003. This matter has been pending in this Court since the year 2004. We observe that the findings of fact call for no interference. However, in the light of the fact that the incident happened in the year 1981 and the appellant has been facing trial or court proceedings in one forum or the other for years and that he is as of now 84 years of age, we feel that keeping in mind the observations of this Court in Haripada Das v. State of W.B. & Anr. (1998) 9 SCC 678 and Bhagwan Das Motulal Navalani v. State of Maharashtra (1987) 2 SCC 645 the ends of justice would be met if the sentence is reduced to that already undergone although we are conscious of the fact that the appellant has undergone only 15 days of the sentence.

With this modification, in the orders of the courts below, the appeal is dismissed.

J

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[HARJIT SINGH BEDI]

J

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[CHANDRAMAULI KR. PRASAD]

NEW DELHI

OCTOBER 27, 2010.

