

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

-

CRIMINAL REVISION CASE No.48 of 2013

ORDER:

-

The present revision is filed under Sections 397 and 401 Cr.P.C. questioning the judgment dated 12.12.2012 passed in CrI.A.No.933 of 2012 on the file of the Metropolitan Sessions Judge, Hyderabad, wherein the conviction and sentence imposed by the learned XVI Additional Chief Metropolitan Magistrate, Hyderabad in C.C.No.157 of 2011 was confirmed.

A charge sheet came to be filed against the petitioner herein for an offence punishable under Section 25 (1) (a) of the Arms Act. The averments in the charge sheet disclose that on 12.01.2010 at about 7.00 p.m., on reliable information that the petitioner/accused was moving with hand knife near Shah Ghouse Hotel, Saidabad, PW.1 rushed to the spot along with his staff and panchas, and found the accused with a hand knife. On interrogation, the petitioner/accused confessed that he purchased the same from one Sadgril at Kishanbagh for Rs.1,000/-. P.W.1 recorded the confessional statement of the petitioner/accused and seized the knife under a cover of panchanama. Basing on a report lodged by PW.1, a case in Crime No.1 of 2010 of Shah-ali-Banda Police Station, came to be registered. The police after completing the investigation filed a charge sheet which was taken on file as C.C.No.157 of 2011.

After appearance, the accused was examined U/s.207 Cr.P.C. and when the accusations constituting offence punishable under Section 25 (1) (a) of the Arms Act was put to him, he denied the same and claimed to be tried.

In support of its case, the prosecution examined PWs.1 to 5 and got marked Exs.P1 to P4 and M.O.1.

After closure of the prosecution evidence, the accused was examined

U/s. 313 Cr.P.C. where he denied the material appearing against him. However, no defence evidence was adduced on his behalf.

After appreciating the oral and documentary evidence on record, the learned XVI Additional Chief Metropolitan Magistrate, Hyderabad, found the accused guilty of the charge under Section 25 (1) (B) (b) of Arms Act and sentenced him to undergo rigorous imprisonment for a period of one year. Aggrieved by the same, the accused preferred CrI.A.No.933 of 2012 on the file of the Metropolitan Sessions Judge, Hyderabad. Vide judgment dated 12.12.2012, the learned Metropolitan Sessions Judge dismissed the appeal confirming the conviction and sentence. Challenging the same the present revision is filed.

A perusal of the material on record would show that both the Courts after appreciating the evidence of PWs.1 and 2 convicted the accused. PW.1 in his evidence deposed that on 12.01.2010 on an information that the accused was moving with hand knife near Shah Ghouse Hotel, he secured the presence of PW.3 and LW.3, drafted search proceedings under Ex.P1, proceeded to the spot, apprehended the accused and recorded the confessional statement of the accused. Basing on the said confession, he seized M.O.1 from the possession of the accused.

PW.2 deposed that on 12.01.2010 at about 7.00 p.m. on reliable information he along with PW.1 and two other constables proceeded to the spot, where they found the accused sitting near Shah Ghouse hotel near Chandulal Baradari. On seeing them, he tried to escape, but they caught hold of the accused and on check they found M.O.1 Talwar in his possession. PW.1 seized the M.O.1 and recorded the confessional statement of the accused.

Though PWs.1 and 2 were cross examined at length, nothing useful was elicited to discredit their evidence. Hence, I see no reason to interfere with the concurrent findings arrived at by both the Courts below. Having regard to the facts of the case and on a overall consideration of the material available on record the sentence of imprisonment imposed by the lower court is modified by reducing it from one year to three months.

With the above modification in sentence of imprisonment alone, the

Criminal Revision Case is disposed of.

Miscellaneous petitions, if any, pending in this revision shall stands closed.

JUSTICE C. PRAVEEN KUMAR

15.04.2015

gkv