

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl. Revision No. 1960 of 2005 (O&M)

Date of Decision: 20.05.2015

Sardar Mohd. @ Ranjha

.. Petitioner

Vs.

State of Punjab

.. Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present:- Mr. Vishanav Gandhi, Amicus Curiae
for the petitioner.**

Mr. K.S. Aulakh, AAG Punjab.

ANITA CHAUDHRY, J.

The instant revision petition has been preferred against the judgment of conviction and order of sentence recorded by the Courts below.

The case of the prosecution is that on 28.07.1999 the police party apprehended the present petitioner on the basis of suspicion and on his search one country made pistol of .12 bore and two live cartridges were recovered. FIR No. 155 dated 28.07.1999 was registered under Section 25 of Arms Act at Police Station Malerkotla. The accused was put to trial.

Charge under Section 25 of Arms Act was framed against the accused, to which he pleaded not guilty.

The prosecution examined five witnesses.

Though, the case of the accused was of denial, but the

trial Court, on appraisal of the evidence on record convicted the petitioner and sentenced him undergo rigorous imprisonment for one year and to pay a fine of Rs.500/-. In default of payment of fine, the accused was directed to undergo simple imprisonment for seven days.

Dis-satisfied with the same, the petitioner preferred an appeal challenging his conviction and sentence.

The Appellate Court below dismissed the appeal filed by the accused vide judgment dated 21.09.2005.

Aggrieved with the same, the accused has preferred the instant petition.

On the last date of hearing, none had appeared on behalf of the petitioner. Today also, none has appeared on behalf of the petitioner. Consequently, Mr. Vishnav Gandhi, Advocate, who is present in Court was appointed as amicus curiae to assist this Court on behalf of the petitioner.

I have heard learned counsel for the parties and have gone through the paper-book carefully.

Learned amicus curiae has strenuously argued that the case against the petitioner is based on the testimonies of official witnesses, which are discrepant and no independent witness was joined at the time of recovery. He further submits that the prosecution failed to prove that the alleged pistol recovered from the petitioner was in working condition. According to him, no proper sanction was obtained prior to prosecute the petitioner.

A perusal of testimonies of PW5 ASI Anokh Singh, the

investigating officer and PW2 HC Sukhdev Singh, one of the recovery witnesses, it is apparent that the same are consistent and corroborated, so far as recovery of country made pistol and live cartridges from the petitioner is concerned. The testimonies of official witnesses cannot be discarded merely on the ground that they are official and no independent support is forthcoming. Once the same are found to be consistent and reliable, the same can be relied upon to base conviction. The contentions raised on behalf of the petitioner about, contradictions, sanction and report of armourer have adequately been dealt with by the Courts below and need not to be disturbed in this revision petition where scope of interference is very limited.

At this stage, it has been pointed out that after remaining in custody for two months, the petitioner has been released by granting remissions of ten months.

In view of the above, while maintaining the conviction and sentence of the petitioner, the instant revision petition is dismissed.

May 20, 2015
Jiten

(ANITA CHAUDHRY)
JUDGE