

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S No. 1997 SB of 2003 (O&M)
Date of decision : February 25, 2015

Sukhdev Kumar @ Seeto,

..... Appellant.

v.

State of Punjab,

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Dilmanjeet Singh, Advocate
for the appellant.

Mr. APS Gill, AAG Punjab

1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

Ajay Tewari, J (Oral)

This appeal has been filed against the judgment/order dated 30.7.2003, vide which the trial Court has convicted the appellant under Section 25 of the Arms Act and sentenced him to undergo RI for one year and to pay a fine of ₹ 500/-, in default of payment of fine, to undergo further RI for one month.

The allegations were that on 24.11.2001, the car of the appellant was intercepted in the area of village Malikpur and on checking, a .303 bore country made pistol was recovered. The appellant was sent up for trial and having been convicted and sentenced, he is before this Court.

Custody certificate by way of affidavit Surinderpal Khanna,

Superintendent, Central Jail, Ludhiana has been filed. As per the same, the appellant has undergone 4 months and 19 days of actual sentence.

Counsel for the appellant has mainly argued that the pistol was never test-fired by the armour and, therefore, it could not be held that it was an illicit weapon. As per him, the Investigating Officer did not appear for testimony and that there was no independent witness. Last of all, counsel for the appellant has argued that even if the facts are taken to be correct, the allegation was that the appellant was having a pistol in his car; he has already undergone 4 months and 19 days of actual sentence, and the incident took place almost 15 years ago, and in case this Court would consider reducing his sentence to the period already undergone by him, he would not press this appeal on merits.

Counsel for the respondent has sought to argue that the findings arrived at by the trial Court convicting the appellant are justified but has stated that the limited prayer made by the counsel for the appellant should be considered in view of the facts mentioned above.

In these circumstances, I deem it appropriate to accept the last argument of counsel for the appellant. Consequently, even while maintaining the conviction of the appellant, his sentence is reduced to the period which he has already undergone.

This appeal stands disposed of in the above terms.

(AJAY TEWARI)
JUDGE

February 25, 2015
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