

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

**Crl. Appeal No. S-2219-SB of 2003 (O&M)
Date of decision: 07.01.2015**

Jamshed

.....Appellant

Versus

State of Haryana

.....Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ashwani Gaur, Advocate,
for the appellant.

Mr. Anmol Malik, AAG, Haryana.

Ritu Bahri, J.

This appeal has been filed against the judgment of conviction dated 31.10.2003 and order of sentence dated 04.11.2003 passed by the Additional Sessions Judge (Adhoc), Faridabad, whereby accused-appellant Jamshed has been convicted under Section 25 of Arms Act and sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs.500/-. In default of payment of fine, he was further sentenced to undergo rigorous imprisonment for a period of three months.

Brief facts of the case are that on 12.08.1998, SI Preet Pal along with other police officials, went to village Dhauj in connection with investigation in case FIR No.385 dated 08.08.1998, under Sections 307/326/324/34 IPC, registered at Police Station Sadar Ballabhgarh, where accused-appellant Jamshed made a disclosure statement, Ex.PA, stating that he had kept concealed a gun in the fodder room of his house in village

Dhauj. Pursuant to the said statement, accused-appellant got recovered a

single barrel gun, Ex.P1 from a specified place in his house. The recovered gun was sealed in a parcel and taken into possession vide memo Ex.PB. On the basis of aforesaid recovery, separate FIR under Section 25 of the Arms Act was registered. After completion of necessary investigation, challan was prepared and presented in the Court.

On presentation of the challan, charge under Section 25 of the Arms Act was framed against the accused-appellant, to which, he pleaded not guilty and claimed trial.

In order to prove its case, prosecution examined Subhash Chand, HC (PW-1), Mahender Singh, HC (PW-2), Vishnu Dutt, SI (PW-3), Preet Pal Singh, SI (PW-4) and Mahesh Chand, Reader, District Magistrate, Faridkot (PW-5).

After conclusion of prosecution evidence, statement of accused-appellant under Section 313 Cr.P.C. was recorded, wherein entire incriminating evidence was put to him. However, he denied the same and pleaded false implication.

The trial Court, after going through the entire evidence led by the parties, convicted and sentenced the accused-appellant in the aforesaid terms.

As per the report of FSL, which has been proved on record as Ex.PX, the recovered gun was in working order. Therefore, the trial Court has held that mere possession of the gun without a valid licence, would amount to an offence under Section 25 of the Arms Act. Sanction order has also been proved by Mahesh Chand, Reader (PW-5).

After going through the impugned judgment, this Court is of the view that the prosecution has been able to prove that the accused-appellant

Therefore, his conviction is upheld and the appeal is dismissed. However, a lenient view can be taken on the quantum of sentence.

The recovery in the present case was effected on 12.08.1998. The appellant has been facing the agony of protracted criminal trial for the last more than 16 years. The sentence of the appellant was suspended vide order dated 04.12.2003 and thereafter, he has not misused the concession of bail. Keeping in view the above facts, the sentence of imprisonment awarded to the appellant is reduced to the period already undergone.

With the above modification/direction, the present appeal stands disposed of.

07.01.2015
ajp

(RITU BAHRI)
JUDGE