

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-2895-2014 (O & M)
Date of decision:16.09.2015

Rakesh Kumar @ Bablu

...Petitioner(s)

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Deepak Aggarwal, Advocate, for the petitioner.

Mr. Shilesh Gupta, Addl.A.G., Punjab.

Rajan Gupta, J. (oral)

In the present revision petition, petitioner has posed a challenge to his conviction by the trial court for offence under Section 25(1)(a) of the Arms Act as well as the order passed by the appellate court dated August 19, 2014, affirming the past sentence.

Accused was sent up to face the trial on the allegation that on June 27, 2011, he was found in possession of one country made pistol .455 bore without having any license of permit. Upon presentation of challan, it was found that prima facie case under Section 25 of the Arms Act was made out against the appellant and charge was framed accordingly. Petitioner pleaded guilty and did not claim trial. The trial court recorded its satisfaction that petitioner had made a confession voluntarily. It, thereafter, convicted the petitioner under Section 25(1)(a) of the Arms Act and sentenced him to undergo three years rigorous imprisonment. Petitioner preferred an appeal before the Additional Sessions Judge, Fazilka. He, however, confined his prayer only to reduction of sentence.

Before this court also a statement was made by counsel for the petitioner on November 12, 2014, that he would address the court only on the issue of taking lenient view regarding quantum of sentence. He has argued that petitioner has faced protracted trial and is only bread-winner of his family. Thus, sentence awarded to him, needs to be reduced.

Prayer has been opposed by learned State counsel. He relied upon a judgment of Hon'ble Apex Court reported as *State of M.P. versus Ayub Khan, 2012(4) RCR (Criminal) 273* to contend that minimum punishment of three years has to be awarded in view of conviction of petitioner under Section 25(1)(a) of the Arms Act. He has referred to custody certificate filed by way of affidavit Balkar Singh Bhullar, Superintendent, Modern Central Jail, Faridkot. According to him, petitioner is involved in number of other cases.

Keeping in view the entire facts and circumstances of the case, I am of the considered view that no interference in revisional jurisdiction is made out. In view of judgment in *State of M.P. (supra)*, minimum mandatory sentence of three years has to be awarded to the petitioner. Same cannot be reduced.

Dismissed.

16.09.2015

sukhpreet

**(RAJAN GUPTA)
JUDGE**