

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.402 of 2016

Arising Out of PS.Case No. -101 Year- 2014 Thana -MUNGER MUFFASIL District- MUNGER

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1. Pankaj Kumar Choudhary S/o Ramchandra Choudhary Resident of Mohalla-
Hazrat Ganj Bara, PS : Kasim Bazar, District Munger.

.... Appellant

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant : Mr. Ashutosh Kumar Verma, Advocate

For the State : Mr. Sujit Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

JUDGMENT AND ORDER

ORAL

Date: 16-12-2016

Heard learned Counsel for the appellant and
learned Additional Public Prosecutor representing the State.

2. With the consent of the parties, this appeal is
disposed of by the present judgment and order at this stage
itself.

3. The appellant has been convicted of the offence
punishable under Section 25(1-B)(a)/26 (i)/35 of the Arms
Act, 1959 and he has been sentenced to undergo rigorous
imprisonment for three years with fine of Rs. 5,000/- for the
offence punishable under Sections 25(1-B)(a)/35 of the Arms
Act, 1959 and for the proved offence punishable under Section



26(i)/35 of the Arms Act, 1959, he has been sentenced to undergo rigorous imprisonment for a period of three years with a fine of Rs. 5,000/-, by judgment and order, dated 10.05.2016/12.05.2016, passed by the learned Additional Sessions Judge I, Munger, in Sessions Trial No. 135 of 2015, arising out of Mufassil Police Station Case No. 101 of 2014. The order of sentence further stipulates that the sentences shall run concurrently and in the event of failure to pay find, the appellant shall have to undergo imprisonment for a further period of six months.

4. By an order, dated 08.09.2016, this appeal was admitted and the Lower Court's Record had been called for, which has been received.

5. From the evidence on record, it appears that from the possession of the accused persons, who were put on trial in the said Sessions Trial No. 135 of 2015, 20 semi-manufactured pistols and 20 barrels were recovered. From the possession of the appellant, 15 semi-manufactured pistols and 15 barrels were recovered.

6. At the trial, the charge of the offence under the provisions of the Arms Act, 1959, as noted above, was found to be true on the basis of evidence adduced.

7. The appellant has remained in custody since 27.05.2014.



8. Learned Counsel appearing on behalf of the appellant has submitted, without questioning the appellant's conviction of the offence in the facts and circumstances of the case, that the sentence of imprisonment may be reduced keeping in view the fact that the appellant had no criminal antecedent and a lenient view ought to have been taken by the learned Trial Court.

9. Considering the above, while maintaining the judgment of conviction, dated 10.05.2016, the order of sentence, dated 12.05.2016, is hereby modified and reduced to the period of custody already undergone by the appellant.

10. Let the appellant be released forthwith if not required in any other matter.

11. This appeal is accordingly disposed of.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
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