

HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No:926 OF 2008

JUDGMENT:

1. The present revision is filed by the accused against the judgment dated 11.4.2008 passed by the II Additional Sessions Judge, Kadapa at Proddatur in CrI.A.No.67 of 2005.

2. The case of the prosecution is as follows:

While P.W.1 along with police party was patrolling, the petitioner was found in possession of fire arm on 19.5.2001 at about 10 a.m., near the cart track between Venkatapuram and Yetur villages. The petitioner was also found in possession of a gunny bag. During interrogation, the accused confessed and failed to produce licence for possession of gun. The gun was seized from the possession of the petitioner. P.W.3 registered and investigated the case. After completion of the investigation, charge sheet was filed. The learned Judicial Magistrate of the First Class, Jammalamadugu took the case on file and numbered as C.C.No.7 of 2002. The learned Magistrate framed a charge under Section 25(1B)(a) of the Arms Act against the accused, read over and explained to him, for which he pleaded not guilty and claimed to be tried.

3. During the course of trial P.Ws.1 to 3 were examined and Exs.P1 to P6 and M.Os.1 and 2 were marked on behalf of the prosecution. No oral or documentary evidence was adduced on behalf of the accused.

4. On appreciation of both oral and documentary evidence, the trial Court found the accused guilty for the offence under Section 25(1B)(a) of the Arms Act, convicted and sentenced him to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.5,000/- in

default to suffer simple imprisonment for three months. Aggrieved by the same, the petitioner-accused filed appeal in Crl.A.No.67 of 2005 before the II Additional Sessions Judge, Kadapa at Proddatur. The said appeal was dismissed. However, the sentence of two years rigorous imprisonment is reduced to one year from two years. Aggrieved by the said conviction and sentence, the petitioner filed this revision.

5. Heard and perused the material available on record.

6. From the material on record, it is evident that the evidence of P.Ws.1 and 3 is very consistent and corroborative. Their evidence clearly establishes that the petitioner was found in possession of the weapon without any licence. Both the Courts below gave concurrent findings. In the facts and circumstances of the case and in view of the concurrent findings of both the Courts below, this Court is not inclined to interfere with the order of conviction against the petitioner.

7. Insofar as the sentence is concerned, when the matter was posted earlier, the learned Additional Public Prosecutor was directed to obtain instructions regarding the background of the petitioner and his involvement in any other crime after 2002. Today, the learned Additional Public Prosecutor submitted that the petitioner has not involved in any crime and he is eking out his livelihood by way of doing agriculture.

8. Considering the facts and circumstances of the case and as the petitioner is now aged about 60 years and as he was on bail during entire 15 years period, this Court is inclined to reduce the sentence of imprisonment.

9. In the result, the conviction imposed by the II Additional Sessions Judge, Kadapa at Proddatur, against the petitioner-accused for the offence under Section 25(1B)(a) of the Arms Act is confirmed. However the sentence of one year rigorous imprisonment imposed by the learned II Additional Sessions Judge, Kadapa at Proddatur, is modified to the period which the petitioner has already undergone while maintaining the sentence of fine.

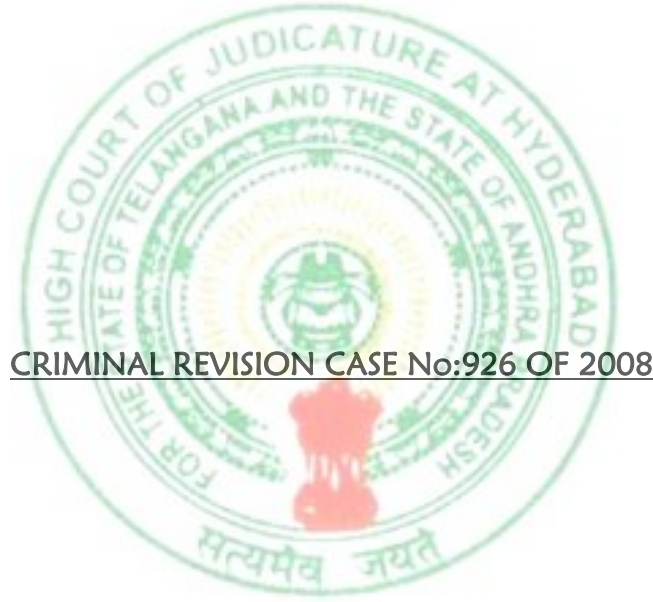
10. Accordingly, the Criminal Revision Case is partly allowed. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 30th September, 2016
Nn.



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30/9/2016

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