

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-2005-SB of 2004
Date of decision: 07.11.2016

Suresh

..... Appellant

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR

Present:- Mr. B.S. Saroha, Advocate
for the appellant.

Mr. Sulinder Kumar, AAG, Haryana.

SNEH PRASHAR, J. (ORAL)

The appellant was convicted vide judgement dated 21.09.2004, passed by learned Additional Sessions Judge, Fatehabad for commission of offence punishable under Section 25 of the Arms Act and was sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.1000/- and in default of payment of fine to further undergo rigorous imprisonment for one month.

The allegation of the prosecution was that the appellant was arrested by SI Shamsheer Singh on registration of a case under Narcotics Drugs Psychotropic Substances Act against him vide First Information Report No.95 dated 07.06.2000. During investigation of the said case, a .315 bore pistol and a live cartridge of similar bore were recovered from the appellant, which were taken into possession and a case under the Arms Act, 1959 was got registered. The appellant was subjected to trial and was convicted and sentenced as indicated above.

Feeling aggrieved by the judgement of conviction dated 21.09.2004 and order of sentence dated 22.09.2004 passed by learned trial Court, the appellant preferred the instant appeal.

The submissions made by Mr. B.S. Saroha, learned counsel for the appellant and Mr. Sulinder Kumar, AAG representing the State of Haryana have been heard and record perused.

As the case was opened for arguments, learned counsel representing the appellant submitted that he does not challenge the judgment of conviction recorded against the appellant by learned trial Court. As regards the sentence, it has been mentioned in the affidavit of Sh. Shamsher Singh Dahiya, Superintendent of Jail, Central Jail-I, Hisar, that the appellant has already completed the sentence of one year rigorous imprisonment awarded to him by learned trial Court. It is also mentioned that fine of Rs.1,000/- has already been deposited by him on 08.03.2007 and the appeal be accordingly disposed of.

The appellant does not challenge the judgment of conviction. Otherwise also a perusal of the trial Court record reveals that to prove recovery of .315 bore pistol and a live cartridge of similar bore from the possession of the appellant, the prosecution had examined SI Shamsher Singh, Investigation Officer (PW-4) and DSP Avtar Singh Bullar (PW-5). Their deposition is consistent, cogent and truth inspiring on all material aspects of the case and there is nothing to doubt their credibility. Accordingly, the judgment of conviction recorded by the trial Court against the appellant is maintained. There remains no scope to interfere in the

sentence of rigorous imprisonment awarded to the appellant when he has already undergone the same. Fine also stands deposited and hence the appeal is dismissed.

07.11.2016

Dinesh Bansal

(SNEH PRASHAR)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No