

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

**Criminal Revision 1970 of 2008
Date of Decision : June 1, 2016**

Ram Niwas @ Niwasa		Petitioner
	Versus	
State of Haryana		 Respondent

CORAM : HON'BLE MR. JUSTICE T.P.S.MANN

Present : Ms. Atamjeet Kaur Sandhu, Advocate for
Mr. Puneet Bali, Advocate

Mr. Dhruv Dayal, Deputy A.G., Haryana.

T.P.S.MANN, J. (Oral)

The petitioner was tried for committing offence punishable under Section 25(i)(a) of the Arms Act on the allegations that on 1.1.2003, when he was apprehended by a police party, he was found in possession of one revolver of .32 bore with six live cartridges loaded in the same. Vide judgment and order dated 18/23.10.2006, learned Additional Chief Judicial Magistrate, Kaithal, convicted him for the aforementioned offence and sentenced him to undergo rigorous imprisonment for one year and to pay a fine of Rs.2,000/- and in case of non payment of fine, to further undergo rigorous imprisonment for thirty days.

Aggrieved of his conviction and sentence, the petitioner preferred an appeal. Vide judgment dated 8.9.2008, learned Sessions Judge, Kaithal after holding that he had been rightly held guilty and sentenced under Section 25 of the Arms

Act, dismissed the same.

Still not satisfied, the petitioner preferred the present revision, in which, he is currently on bail pursuant to order dated 8.1.2009.

After hearing learned counsel for the parties, this Court finds that on 1.1.2003, the petitioner was intercepted by a police party headed by Head Constable Satbir Singh. Said Satbir Singh while appearing as PW1 testified that he had recovered the revolver alongwith six loaded cartridges, which the petitioner was carrying in his right dub. His testimony is duly corroborated by Head Constable Jitender Kumar, who was examined by the prosecution as PW3. The aforementioned weapon was mechanically inspected by Dharam Singh Armourer, who proved his report Ex.PH while appearing as PW5. Sanction to prosecute the petitioner was proved by Jagan Nath Ahlmad to District Magistrate, Kaithal. Merely because, no independent witness had been examined by the prosecution in support of its case is no ground to set-aside the conviction of the petitioner, especially when the recovery had been effected at about midnight.

On the question of sentence, it may be submitted that the petitioner is facing the agony of criminal prosecution for the last more than thirteen years. It is his plea that he is a poor person and required to look-after his two children besides old parents. Further, out of the sentence of one year imposed upon

him, he has already undergone an actual sentence of four months and ten days.

Taking into account the aforementioned circumstances which are adequate and special reasons to award sentence of imprisonment to the petitioner lesser than the minimum prescribed, this Court is of the view that no useful purpose will be served by sending him behind the bars, once again, for undergoing his remaining sentence of imprisonment. Ends of justice would be suitably met, if his substantive sentence of imprisonment is reduced to the one already undergone by him.

Resultantly, the conviction of the petitioner for the offence under Section 25 of the Arms Act is maintained. His substantive sentence of imprisonment is reduced to the one already undergone by him. The fine of Rs. 2,000/- is, however, enhanced to Rs. 5,000/-. The amount of fine be deposited by him with the trial Court within three months from today, failing which, he shall be required to undergo rigorous imprisonment for three months.

The revision is, accordingly, disposed of.

June 1, 2016
amit rana

(T.P.S. MANN)
JUDGE