

**IN THE HIGH COURT FOR THE STATES OF PUNJAB &
HARYANA AT CHANDIGARH.**

Crl. Revision No.4443 of 2015 (O&M)
Date of decision: February 19, 2016

Sewa Singh @ Golu ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Mohit Jaggi, Advocate for the petitioner.
Mr. Shilesh Gupta, Addl. Advocate General, Punjab.

Rajan Gupta, J. (oral)

Petitioner Sewa Singh @ Golu had been convicted by the Judicial Magistrate 1st Class, Rajpura, under section 25(1-B)(a) of Arms Act, 1959. He was sentenced to undergo simple imprisonment for one year and to pay a fine of Rs.500/-.

The petitioner preferred appeal against the judgment of his conviction/sentence, which was dismissed by Additional Sessions Judge, Patiala, vide judgment dated 19.08.2015.

Feeling aggrieved against the judgments of both the courts below, the petitioner has approached this court through the instant Criminal Revision.

Learned counsel for the petitioner at the outset states that he is limiting his prayer only to the extent of reduction in the sentence awarded and does not assail the judgment of conviction. He states that he is conscious that scope in the revision is very limited as evidence of

the witnesses cannot be re-appreciated or re-evaluated.

Learned State counsel, on the other hand submits that in case conviction of petitioner is maintained, the court may reduce the sentence as deemed appropriate in the circumstances of the case.

I have heard learned counsel for both the sides.

Briefly, the prosecution case runs thus:

On 15.4.2009, SI Ravinder Mohan along with other police officials was present near Bharat Colony, T-point, Guru Nanak Nagar, Rajpura for patrolling and checking purposes. When they reached near main gate Nalas Road, G.T. Road, Rajpura, a person was seen standing. On seeing the police party, he turned his face towards the other side. On suspicion he was apprehended, who disclosed his name as Sewa Singh (petitioner herein). On search, one country made pistol .315 bore was recovered from left pocket of his pant. Accused failed to produce any licence or permit of the same. Investigating Officer unloaded the pistol but no cartridge was recovered. Same was taken into possession. After completing other formalities and completion of investigation challan against the accused was presented in the trial court.

Finding prima facie case under Sections 25 of the Arms Act, charge was framed against the accused/petitioner, to which he pleaded not guilty and claimed trial.

To substantiate its case against the accused, the prosecution examined as many as five witnesses.

The statement of the accused under Section 313 Cr.P.C.

was recorded, wherein all the incriminating evidence available on record was put to him. He refuted the incriminating circumstances and pleaded false implication. However, he did not examine any witness in his defence.

On the basis of the evidence on record, the learned trial court held the petitioner guilty under section 25 (1-B)(a) of the Arms Act and sentenced him as already indicated above. The appeal filed against the said judgment was also dismissed by the learned Additional Sessions Judge, Patiala on 19.8.2015.

On a perusal of the judgments of both the courts below, I am of the considered view that the trial court has rightly appreciated the evidence on record while holding the petitioner guilty of the charge framed against him. The appellate court has also rightly dismissed the appeal. There is no infirmity or illegality in the findings given by both the courts below. The conviction of the petitioner is, thus, affirmed.

Even counsel for the petitioner, during the course of arguments, has not assailed the judgment of conviction. He has, however, pleaded for reduction in the quantum of sentence on the ground that the petitioner is a poor person and main bread winner of his family including his old parents. He has stated that he is conscious that the scope in revision is very limited as evidence of the witnesses cannot be re-appreciated and re-evaluated.

In the judgment reported as ***Jagdeep Singh @ Neetu vs. State of Punjab, 2013 (3) Crimes 414***, .315 bore pistol was recovered

from the accused. He had undergone about 05 months and 10 days of substantive sentence out of one year. This court released the said convict on probation. In the instant case, however, prayer has only been made for reduction in the quantum of sentence.

Keeping in view the facts and circumstances of the case, I deem it appropriate to reduce the sentence to that already undergone by the petitioner. Ordered accordingly. However, fine imposed shall remain intact.

Except with the modification in the quantum of sentence and fine, as indicated hereinabove, the appeal stands dismissed.

(RAJAN GUPTA)
JUDGE

February 19, 2016
'Rajpal'