

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.5054 of 2015 (O&M)
Date of Decision: April 08, 2016

Rocky Khanna

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Divya Sarup, Advocate
for the petitioner.

Mr.Himmat Singh, Deputy Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Rocky Khanna against State of Haryana, challenging the impugned judgment of conviction and order of sentence dated 05.06.2013 passed by learned Sub Divisional Judicial Magistrate, Siwani, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of ₹500/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of one month under Section 25 of the Arms Act and also challenging the judgment dated 08.12.2015 passed by learned Addl. Sessions Judge, Bhiwani, vide which appeal filed by petitioner was dismissed.

From the record, I find that in the present case, challan has presented against accused Rocky Khanna in case FIR No.33 dated 14.02.2010 under Section 25 of the Arms Act registered at Police Station Siwani. The brief facts of the case as noted by learned SDJM, Siwani, in its judgment are as under:-

XXX...on 14.02.2010, ASI Desraj along with HC Rohtash and EHC Ramesh Kumar were present opposite the new bus stand, Siwani for patrol duty. Then, one person was seen coming towards Siwani town by walking on Rajgarh road and he on seeing the police party turned back and started walking swiftly. However, the aforesaid person was apprehended by ASI Desraj with the help of fellow police officials and he upon inquiry, disclosed his name as Rocky Khanna son of Ram Kishan, resident of ward no.13, Siwani. On checking, he was found in possession of one country made pistol of .12 bore from his pant. The recovered country made pistol was measured and the length of the barrel was found to be 5½ inches and length of body of aforesaid pistol was found to be 3.5 inches, whereas the length of butt was found to be 3.5 inches. The total length of the aforesaid country made pistol was 10 inches. A separate Khakha of the aforesaid country made pistol was prepared and separate palanda of aforesaid country made pistol was prepared after sealing the same with seal having inscription D.R.D and the same was taken into police possession.”

At the time of preliminary hearing, learned counsel for the petitioner did not dispute the concurrent findings of the Courts below regarding conviction and only contended for reduction of sentence. Notice of motion was issued only qua quantum of sentence. Learned State counsel appeared and contested the petition.

At the time of arguments, learned counsel for the petitioner argued that petitioner is poor person and sole bread earner of the family and is suffering from the criminal proceedings for the last more than six years and he is first offender.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Keeping in view the facts and circumstances of the present case that the petitioner is stated to be poor person, only bread earner of the family and first offender, and in view of the fact that the petitioner is suffering from long protracted criminal proceedings for the last more than six years, I take lenient view and sentence of the petitioner is reduced and he is directed to undergo rigorous imprisonment for a period of one year under Section 25 of the Arms Act instead of two years. However, the sentence of fine and in default thereof, will remain the same.

With the above-said modification in the sentence, the present petition stands dismissed.

April 08, 2016
Vgulati

(INDERJIT SINGH)
JUDGE