

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.534 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- BEGUSARAI

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Jaglal Yadav, Son of Lago Yadav, Resident of Village Manjhaul, P.S. Cheria
Bariarpur, District - Begusarai

.... Petitioner

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Petitioner : Mr. Satish Chandra, Advocate

For the State : Mr. Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 29-08-2017

Heard learned counsel for the parties.

2. The petitioner challenges the judgment and order dated 29.03.2017, passed by learned Sessions Judge, Begusarai in Criminal Appeal No.117 of 2012 whereby the court upheld the conviction of the accused under Sections 25(1-b)a and 26(i) of the Arms Act, passed by learned Judicial Magistrate, 1st Class, Begusarai in Trial No.521 of 2002 but modified the sentence as RI for one year from two years and fine of Rs.500/- each for each offence, which was also waived off and directed that both the sentences shall run concurrently with the provisions of setting off the period undergone in custody.

3. The only contention of the learned counsel for the petitioner is that the petitioner has remained in custody in totality for 7½ months and the seizure list witness has not supported the case of recovery. However, in the present case only one live cartridge was



recovered from possession of this petitioner and firearm was recovered from possession of another co-accused.

4. Learned counsel for the State submits that the recovery and the seizure list have been proved by the prosecution witnesses. Now a days seizure list witness does not support the case because of taking enmity from the accused persons.

5. Having considered rival submissions and on perusal of the records, this Court finds that all six prosecution witnesses except Baso Tanti (PW3) have supported the recovery of one live cartridge from the possession of the petitioner. Now a days the seizure list witness of the Arms Act does not support the prosecution out of fear. The seizure list witness does not support the case of recovery of live cartridge from the possession of the petitioner, on this ground also case of prosecution cannot be disbelieved as there is credible evidence in the matter produced by the prosecution by rest of the witnesses so this Court does not find any illegality in the impugned judgment and order of conviction passed by the sessions court.

6. The criminal revision application stands dismissed.

(Arun Kumar, J.)

S.Kumar/-

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