

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

**Crl. Appeal S-511-SB of 2005**  
Date of Decision : November 02, 2017

Manoj @ Pappu and another

.....Appellants

**VERSUS**

State of Haryana

.....Respondent

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

Present : Mr. A.S.Tewatia, Advocate  
for the appellants.

Mr. Pramjeet Singh, Asstt. A.G., Haryana.

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

The appellants alongwith five others were tried for committing the offences punishable under Sections 399, 402, 412 and 411 IPC and Section 25 of the Arms Act. Vide judgment and order dated 7/8.2.2005, learned Additional Sessions Judge, Sonipat acquitted them of the charges under Sections 399, 402, 412 and 411 IPC. However, they were convicted under Section 25 of the Arms Act and sentenced to undergo rigorous imprisonment for one year with fine of Rs. 1,000/- each and in default of payment of fine, to further undergo rigorous imprisonment for one month. The period already spent by them

in judicial custody was ordered to be set off against their sentences of imprisonment.

Aggrieved of their conviction and sentence, the appellants filed the present appeal, which was admitted on 15.3.2005. Their sentences of imprisonment were also suspended and they were directed to furnish requisite bonds to the satisfaction of the Chief Judicial Magistrate, Sonipat.

According to the prosecution, the appellants and their co-convicts, while armed with deadly weapons, were apprehended as they were preparing to commit dacoity in the house of Gurcharan Singh. From the possession of each of the two appellants .315 bore countrymade pistol and four live cartridges were recovered. As they did not possess any licence or permit to keep the same, they were booked for committing the offence under Section 25 of the Arms Act.

After hearing learned counsel for the parties and on going through the record, this Court finds that the prosecution has led sufficient and convincing evidence to sustain the charge under Section 25 of the Arms Act against the appellants. After conducting thorough investigation, the police had prepared final report under Section 173 Cr.P.C. At the trial, various police officials were examined, who have testified in unequivocal terms that they were found in possession of .315 bore countrymade

pistol besides four live cartridges each. Therefore, no case is made out for any interference in the impugned judgment of conviction passed by the learned trial Court.

As regards the question of sentence, it may be noticed that the appellants are facing the agony of criminal prosecution for the last more than fifteen years. When they were heard by the learned trial Court on the quantum of sentence, they had pleaded poverty and being the only bread winners of their respective families. As per the custody certificate produced by the learned State counsel, Manoj @ Pappu-appellant has undergone an actual period of seven months and twenty eight days whereas Ramesh @ Nagraj-appellant has undergone an actual period of five months and four days.

Taking into consideration the totality of the circumstances, this Court is of the view that no useful purpose will be served by sending the appellants behind the bars, once again, for undergoing their remaining substantive sentences of imprisonment. Ends of justice shall be suitably met, if their substantive sentence of imprisonment is reduced to the one already undergone by them.

Resultantly, the conviction of the appellants under Section 25 of the Arms Act is upheld. Their substantive sentence of imprisonment is reduced to the one already undergone by

them. The fine of Rs. 1,000/- imposed upon each of them is, however, enhanced to Rs. 5,000/- each. The fine amount be deposited by them in the Court of Chief Judicial Magistrate, Sonipat within a period of three weeks from today, failing which they shall undergo rigorous imprisonment for six months.

The appeal is, accordingly, disposed of.

**November 02, 2017**  
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**( T.P.S. MANN )**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No