

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

**Crl. Revision No. 3690 of 2016 (O&M)
Date of Decision: March 28, 2017**

Buta Singh

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Gaurav Sharma, Advocate
for the petitioner (s).

Mr. Jashanpreet Singh, A.A.G., Punjab.

SURINDER GUPTA, J.

Petitioner Buta Singh was convicted and sentenced to undergo rigorous imprisonment for one year for the offence punishable under Section 411 of Indian Penal Code (for short-IPC) and rigorous imprisonment for three years for the offence punishable under Section 25 of Indian Arms Act, 1959 (for short-Arms Act).

On appeal, the first Appellate Court acquitted the petitioner for the offence punishable under Section 411 IPC but maintained his conviction and sentence for the offence punishable under Section 25 of Arms Act.

Learned counsel for the petitioner without challenging the conviction of petitioner for the offence punishable under Section 25 Arms Act, has confined his submission only for a lenient view qua the quantum of sentence. He has argued that petitioner is 33 years of age and is not a previous convict. As per the prosecution version, the police party on the

basis of secret information, apprehended petitioner and two other persons and recovered .315 bore double barrel pistol with two live cartridges from possession of Kamaljeet Singh and a .315 bore single barrel pistol with two live cartridge from petitioner Buta Singh. Motorcycle bearing registration No.,PB-21A-9858 on which all the three were travelling was also found to be stolen property. Trial Court convicted and sentenced all the three accused under Section 411 IPC and 25 Arms Act. Appellant was acquitted by lower Appellate Court for offence punishable under Section 411 IPC but his conviction and sentence for offence punishable under Section 25 Arms Act was maintained. In view of the facts of case, sentence of three years awarded to the petitioner is quite harsh and may be reduced.

I have given a careful through to the submission of learned counsel for the petitioner for taking a lenient view regarding quantum of sentence.

A countrymade pistol was recovered from the petitioner. There is nothing on file to show that the petitioner is a previous convict. As per his age mentioned in the head note of the judgment of first Appellate Court, he was 33 years of age at the time of filing appeal, which means he was about 30 years of age at the time of commission of crime. Keeping in view the age, antecedents and nature of offence, I am of the opinion that the interest of justice shall be fully served if the sentence awarded to the petitioner for offence punishable under Section 25 Arms Act is reduced from 3 years rigorous imprisonment to rigorous imprisonment for 18 months.

Accordingly, this petition is partly accepted. While maintaining the conviction of the petitioner for the offence punishable under

Section 25 Arms Act, his substantive sentence is reduced from rigorous imprisonment for 3 years to rigorous imprisonment for 18 months. However, the sentence of fine imposed by the trial Court is maintained.

March 28, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>