

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 2440 of 2017 (O/M)
Date of decision : 17.7.2017

Niranjan alias Nainu

..... Revisionist

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. P.K. Dwivedi, Advocate, for,
Ms. Anita Balyan, Advocate, for the revisionist.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

This is revision against the judgment dated 6.7.2017, passed by the learned Additional Sessions Judge, Rohtak, affirming the judgment of conviction dated 17.10.2014 and order of sentence dated 20.10.2014, passed by the learned Judicial Magistrate 1st Class, Rohtak, vide which revisionist was convicted under Section 25 of the Arms Act, 1959, and was sentenced to undergo rigorous imprisonment for one year and fine of Rs. 5,000/-, in default thereof, to further undergo another imprisonment for one month.

Heard.

The perusal of judgments of both the Courts below shows that one illicit revolver Sixer .32 bore was recovered from the possession of present revisionist. The learned proxy counsel appearing for the learned counsel for revisionist contends that in this case, the District Magistrate did not test fire the revolver nor the revolver was produced before him.

I am of the view that it is not the requirement of law that before

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granting the sanction, the District Magistrate himself should fire the weapon or examine it. The examination was done by the Armour, which was relied upon by the District Magistrate, to grant the sanction. There is nothing illegal in the same.

The learned proxy counsel appearing for the learned counsel for revisionist has further contended that in this case, complainant himself became the investigating officer.

I am of the view that here the recovery was effected by the police officer. No crime was committed against him. Therefore, technically speaking, he is not the aggrieved party. Therefore, he could investigate the case. There are concurrent findings of two Courts below. There is no ground to interfere in the same. The sentence awarded to revisionist is minimum provided for the offence. Therefore, there is no scope for reduction in sentence. Hence, the revision is dismissed.

(KULDIP SINGH)
JUDGE

17.7.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No