

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.44 of 2018

Arising Out of PS. Case No.-22 Year-2016 Thana- MANSI District- Khagaria

Ranvir Yadav S/o Late Nunu Narayan Yadav, R/o Village- Saidpur, P.S.-
Mansi, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar

For the Respondent/s : Mr. SRI RAJENDRA SINGH SHASTRIJI

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 13-02-2018

Heard learned counsels for the petitioner as well as the State.

2. Both of them have agreed for final hearing of the present revision petition.

3. The petitioner has been convicted by the learned Judicial Magistrate Ist Class, Khagaria in connection with Mansi P.S. Case No. 22 of 2016 (G.R. Case No. 229 of 2016) by judgment dated 01.03.2017 under Sections 25 (1-B)a and 26 of the Arms Act and has been sentenced to undergo R.I. for 2 ½ years under both the counts and to pay a fine of Rs. 2000/- for each of the offences and in default of payment of fine to further suffer S.I. for one month; the sentences having been ordered to run concurrently.



4. The aforesaid judgment and order of conviction has been affirmed and upheld in Cr. Appeal No. 09 of 2017 passed by the learned Sessions Judge, Khagaria.

5. The case of the prosecution is based on the self-statement of the informant, Kapildeo Kumar who has been examined as P.W. 1. He has alleged in his self-statement that on a confidential information, he arrested the petitioner and on search from his person, a countrymade pistol with three live cartridges and one charger was recovered. On the basis of the aforesaid self-statement, a case vide Mansi P.S. Case No. 22 of 2016 instituted for the offences under Sections 25 (1-B)a, 26 of the Arms Act. The police, after investigation, submitted charge sheet whereupon cognizance was taken and the case was tried.

6. The trial court, after examining six witnesses on behalf of the prosecution and one on behalf of the defence, convicted the petitioner as aforesaid.

7. From the perusal of the records, it appears that all the prosecution witnesses, though members of the police force, have supported the factum of recovery of the firearm with cartridges and a charger from the possession of the petitioner. All the aforesaid witnesses have also testified to the fact that no paper or license was



shown by the petitioner on being asked about the possession of the firearms.

8. The I.O. of this case who has been examined as P.W. 2 has certified and has deposed that after testing the seized arms, the same was kept in the Malkhana. Similarly, constable Baljit Kumar and Amit Kumar (P.Ws. 3 and 4) who were members of the raiding team have also supported the prosecution version. Dinesh Kumar Singh, the Dy.S.P. who has been examined as P.W. 5, was the Sergeant Major at the relevant time and he has deposed before the court that the arms and the cartridges which were recovered from the possession of the petitioner were effective. He had tested the pistol in question by firing it at indoor testing fire box. The cartridges were also tested and were found to be live and usable.

9. From the records, it further appears that the lone defence witness who has been examined at the trial has stated that he had invited the petitioner in a reception party which was organized by him and that the petitioner was falsely implicated.

10. From the records as well as going through the judgments of the court below, no fault is found and there is no ground on which this Court can interfere with the judgment of conviction.

10. However, with respect to the sentence imposed upon the petitioner, learned counsel for the petitioner has stated that he at



the relevant time was 38 years of age and now he has a big family to cater to. It has further been submitted that the petitioner has diligently participated in the trial and never did he indulge in any act which could have impeded the fast pace of the trial.

11. Considering the aforesaid facts as also the otherwise untainted record of the petitioner, the sentence of the petitioner is reduced to the period of the custody which the petitioner has already undergone.

12. The petitioner is said to have been arrested in this case on 01.02.2016 and since then, he is in jail.

13. Thus, the judgment of conviction passed by both the courts are upheld but the sentences imposed upon the petitioner is reduced to the period of custody already undergone by him as indicated above.

14. This revision petition is partially allowed.

15. The petitioner is in custody. He is therefore directed to be released forthwith, if not wanted in any other case.

(Ashutosh Kumar, J)

KKSINHA/-

AFR/NAFR	NAFR
CAV DATE	NA
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