

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

CRR-931-2018 (O&M)

Date of Decision:-18.8.2018

Vinod

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jitender Singh Dadwal, Advocate for
Mr. Jasbir Mor, Advocate for the petitioner.

Mr. Sandeep Vashisht, Deputy Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

By way of filing this revision petition, the petitioner assails judgment dated 23.2.2018 passed by learned Additional Sessions Judge, Jhajjar, whereby the conviction of the petitioner for having committed offence punishable under Section 25 of Arms Act as recorded by learned Judicial Magistrate 1st Class, Jhajjar, has been upheld. The sentence of rigorous imprisonment for one year and a fine of ₹ 500/- was also affirmed by the learned Additional Sessions Judge, Jhajjar.

Having heard the learned counsel for the petitioner and having perused the impugned judgments, I find that the evidence led by the prosecution fully substantiates the allegations levelled against the petitioner Vinod to the effect that on the day of occurrence he was found in possession of one country made .12 bore pistol from the right pocket of his trousers, which was found loaded with one cartridge. The said pistol was taken into possession and requisite recovery memos in respect of the same were

prepared. The pistol was got examined from Armorer i.e. PW-7 Sandeep Kumar, who reported that the said pistol was in working order and that the cartridge was live. After obtaining requisite sanction from District Magistrate, the petitioner was prosecuted and was found guilty for having committed offence punishable under Section 25 of Arms Act. The said findings, regarding conviction of the petitioner Vinod, have been upheld by the learned Additional Sessions Judge, Jhajjar. I do not find any infirmity in the consistent findings of conviction as recorded by both the Courts below and the same are hereby affirmed. As regards the sentence of imprisonment, I find that the petitioner Vinod was a young man of 27 years at the time of commission of the offence in question. It is not disputed that the weapon allegedly recovered from the petitioner was not used for commission of any offence. It is not a case that the petitioner along with anybody was planning or preparing to commit any offence. The petitioner is not stated to be a previous convict.

As per custody certificate, filed by the learned State counsel today in Court, the petitioner Vinod has already undergone more than 6 months of actual sentence of imprisonment out of imposed sentence of imprisonment of 1 year.

Having regard to the facts and circumstances of the case especially bearing in mind that the petitioner Vinod is a young man having no criminal record, I find that a case is made out for reduction in sentence. Accordingly the revision petition is accepted to the limited extent that the impugned judgment dated 23.2.2018 passed by learned Additional Sessions Judge, Jhajjar is modified and the sentence imposed upon the petitioner

Vinod is reduced from oneyear to the one already undergone, which is stated to be 6 months and 9 days including 8 days of remission, as per custody certificate dated 17.8.2018.

The revision petition stands disposed of with aforesaid modification in sentence.

18.8.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No