

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 521 of 2005

Judgment reserved on 03. 12.2018

Judgement delivered on 06.02.2019

Gauranand @ Nanki Yadav S/o. Late Ganesh Ram Yadav , Aged about 22 years, R/o. CSEB, Qrt No. S.H. 489, Korba East, District Korba (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Rampur ITI, Korba, P.S. Korba District Korba (C.G.)

---- Respondent

For Applicant : Mr. Ravish Verma, Advocate
For Respondent : Mrs. M. Asha, Panel Lawyer

Hon'ble Smt. Justice Vimla Singh Kapoor

CAV Order

The allegation contained in FIR (Ex.P-1) is that on 23.02.2002 at about 4.30 pm the accused/applicant was found brandishing a sword and thereby frightening the people by his act. Offence under Section 25(B) of the Arms Act was registered against the accused/applicant and after completion of the investigation charge sheet was filed accordingly.

2. The trial Court found the accused/applicant guilty under Section 25(1)(B) (b) of the Arms Act which in appeal has also been affirmed vide judgment impugned. Hence, this revision.

3. Counsel for the applicant/accused submits that the findings recorded by both the Courts below are not in consonance with

the evidence of the witnesses and therefore, they are not sustainable under the law.

4. State counsel, however, supports the judgment impugned.

5. Overall testimony of PW -1 and PW-2 goes to show that the accused/applicant was seen carrying and brandishing the sword with an intention to frighten the people of the locality. They have also described the size of the sword so seized in their presence under Ex.P-1. PW-3 has gone on to state that had the police not reached the spot timely some mishap might have occurred. He is also the witness to seizure of the sword made under Ex.P-1. Thus, the findings recorded by both the Courts below holding the accused/applicant guilty under the Arms Act are fully based on the evidence on record. No illegality or infirmity is noticeable in the judgment impugned and therefore, it deserves to be and is hereby maintained with dismissal of this revision.

6. Order Accordingly.

Sd/-
(Vimla Singh Kapoor)
JUDGE