

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 402 of 2019**

- Durdesh S/o Shri Dhaman Singh Dhangay, Aged About 35 Years
Caste - Mahar, R/o Village - Tirpemeta, Police Station - Chilhati,
Tahsil - Chhuriya, District - Rajnandgaon Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Collector, District Rajnandgaon
Chhattisgarh.

---- Respondent

For Applicant	:	Ms. Ankita Shriwas, Adv.
For State	:	Ms. Reena Singh, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****11.09.2019**

1. The present revision petition has been filed by the applicant against the order dated 02.08.2008 passed by First Additional Sessions Judge Rajnandgaon, District Rajnandgaon (C.G.) in Criminal Appeal No. 109/2016, whereby the learned Appellate Court has affirmed the judgment of conviction and order of sentence of the accused/applicant as awarded by the learned Judicial Magistrate First Class, Rajnandgaon vide its judgment dated 04.10.2016 in Criminal Case No. 3517/2014 for the offence punishable under Section 25 (1-B)(B) of Arms Act and sentenced him to undergo S.I. for 01 year and to pay fine of Rs. 1,000/- with default stipulation.

2. Brief facts of the case are that, on the basis of secret information, police personnel intercepted the applicant and recovered one knife which he had kept in his shirt in the waist. Based on this, an FIR has been registered against the applicant under Section 25 of Arms Act. After completion of investigation, charge-sheet has been filed and charge has been framed against the applicant under Section 25(1-B)(B) of Arms Act.

3. So as to hold the accused/applicant guilty, the prosecution has examined as many as 3 witnesses. Statement of the accused/applicant was also recorded under Section 313 of the Cr.P.C. in which he denied the charges leveled against him and pleaded innocence and false implication in the case.

4. After hearing both the parties, learned Judicial Magistrate First Class, Rajnandgaon vide its impugned judgment of conviction and order of sentence dated 04.10.2016 convicted the applicant/accused for the offence punishable under Section 25(1-B)(B) of Arms Act and sentenced him as mentioned above in para 1 of this order. This order was appealed by the applicant and in this appeal learned Appellate Court has affirmed the conviction and sentenced of the applicant. Hence, this revision petition.

5. Learned counsel for applicant submits that learned Courts below did not appreciate the evidence in its true perspective and erroneously convicted th applicant. Since, Chetanand and Krishna have enmity with the applicant, there was strong reason for them to falsely implicant the applicant. He next submitted that learned courts below have erred in not appreciating that the seizure proceeding was not in accordance with law and suffered from serious procedural lapses, therefore, the conviction and sentence imposed upon him is liable to be set-aside.

6. On the other hand, learned counsel appearing on behalf of the State has supported the impugned order of the Courts below.

7. Heard learned counsel for the parties and perused the material on record including the impugned order.

8. Assistant Sub-inspector B.R. Thakur (PW-2) has stated about the seizures (Knife) seized from the applicant which was also supported by the Krishnalal (PW-1) and Chetanand (PW-3), who were also present with the Assistant Sub-inspector at the time of search and, to certify their statements, put their signature on seizure memo (Ex. P/1).

9. Having gone through the material available on record including witnesses Krishna Lal (PW-1), B.R. Thakur (PW-2),

Chetanand (PW-3) and Teekam Singh (PW-4) established the involvement of the applicant in the crime in question. Thus, this Court does not find any illegality in the findings recorded by the Courts below. The conviction of the applicant of the offence punishable under Section 25(1-B)(B) of Arms Act is hereby maintained.

10. Accordingly, the revision petition filed by the applicant is liable to be and is hereby dismissed. As far as the sentence is concerned, both the counsel informed the Court that applicant has undergone the sentence imposed upon him therefore no further order is needed.

**Sd/-
(Rajani Dubey)
JUDGE**

Vijay Sabu