

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-163 of 2019 (O&M)
Date of Decision: 31.10.2019

Robin

...Appellant

VERSUS

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Sunita Punia, Advocate
for the appellant.

Mr. Raj Kumar Makkar, Sr. DAG, Haryana.

SURINDER GUPTA, J.

This is appeal filed by the appellant against judgment of conviction and order of sentence both dated 19.09.2018 passed by Sessions Judge, Kaithal, whereby he was convicted and sentenced to undergo rigorous imprisonment for two years and to pay a fine of ₹10000/- and in default of payment of fine to further undergo simple imprisonment for one month, for offence punishable under Section 25 (1) (1B) (a) of the Arms Act, 1959.

Case of the prosecution, in brief, is that on 31.5.2018, complainant-Rakesh made a complaint in Police Station Kalayat, alleging therein that he was having a shop in the name and style of 'Jindal Electric Palace' on Railway Road near Durga Mandir. On 31.5.2018, at about 9 p.m., when he was present in his shop, one white Scooty stopped in front of his shop. Driver of the said Scooty kept sitting on it while two young boys, who were pillion riders, entered his shop and pointed pistols towards him and snatched black bag containing ₹90,000/-, ledger books and some documents from his pocket including Aadhaar card, driving licence and fled on the

Scooty towards Railway Station.

Learned counsel for the appellant has not challenged the conviction of appellant on merit and has confined his submission only for taking a lenient view regarding the quantum of sentence. He submits that the appellant has already undergone about 01 year 03 month and 20 days of sentence. He has been convicted for offence punishable under Section 25 (1) (1B) (a) of the Arms Act. The offences punishable under Sections 394 and 397 IPC for which he was charge-sheeted, were not proved and his co-accused have also been acquitted. Keeping in view above facts, a lenient view may be taken regarding quantum of sentence.

As per case of prosecution, the appellant had come to the shop of complainant and snatched his bag containing ₹90,000/-, ledger book and other documents on pistol point. Offence of snatching was not duly proved, however, trial Court held the offence punishable under Section 25 (1) (1B) (a) of the Arms Act as duly proved against the appellant while his co-accused were acquitted.

Custody certificate produced on file by learned State counsel shows that the appellant has undergone 01 year 03 months and 20 days of imprisonment as on 29.09.2019. There are some other cases against the appellant in which he has either been allowed bail or trial is pending.

Keeping in view facts and circumstances of the case, I am of the considered opinion that awarding of punishment of 01 year and 06 months to appellant will meet the ends of justice. I find merit in submission of learned counsel for the appellant. Instant appeal is partly accepted. Conviction of appellant for offence punishable under Section 25 (1) (1B) (a) of the Arms Act, as awarded by the trial Court, is maintained. However, his sentence is

reduced from rigorous imprisonment for two years to rigorous imprisonment for 01 year and 06 months. However, the sentence of fine shall remain intact alongwith default clause.

Copy of this order be conveyed to Chief Judicial Magistrate, Kaithal and concerned Jail Superintendent for information and necessary action.

October 31, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***