

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 656 of 2008

Golu @ Balkishan S/o. Deviram Sahu, Aged about 22 years, R/o. Chuchuhayapara, Near Shankar Mandir, Bilaspur, Purana Gorella, District Bilaspur (CG)

-----**Applicant**

Versus

State of Chhattisgarh through Station House Officer, Police Station GRP, Bilaspur (Government Railway Police) Tehsil and District Bilaspur(CG)

For the Applicant : Mr. Dheerendra Pandey, Advocate
For the Respondent : Mr. Samir Sharma, Dy. GA

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

27.08.2020

1. As per prosecution story on 30.06.2006 R.P. Chelak (PW-3) in-charge of police station GRP Bilaspur was on duty. At about 9.50 AM, during inspection, he found that the present applicant was standing under the over-bridge with a knife, threatening and abusing the passengers by brandishing the knife. Immediately he reached the spot and enquired the legal documents about the knife but he did not produce any license or legal document in respect of the knife. In presence of the witnesses, a knife was seized from the applicant under (Ex.P-1) and he was taken into custody. After completion of investigation, charge sheet was filed

against the applicant under Section 25(1-B)(b) of the Arms Act and charge sheet was framed accordingly.

2. By the judgment dated 26.07.2008 learned trial Court convicted the accused/applicant under Section 25(1-B)(b) of the Arms and imposed the sentence of RI for one year and to pay fine of Rs. 1000/-. In appeal, the conviction recorded by the trial Court has been affirmed. Hence, this revision.

3. Counsel for the applicant submits that the Courts below have committed an error in convicting and sentencing the accused/applicant as mentioned above though the evidence led by the prosecution was lacking and therefore, the same may be set aside. As a last resort counsel for the applicant submits that if this Court does not interfere with the conviction part of the judgment impugned at least the sentence imposed on him may be reduced to the period already undergone.

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

5. Having heard counsel for the parties and perused the material available on record including the evidence of Santosh Sahu (PW-1), Arshad Khan (PW-2) and R.P. Chelak (PW-3), seizure of knife from the applicant made under (Ex.P-1) is duly proved. The statement of Santosh Sahu (PW-1) and Arshad Khan (PW-2) have corroborated the form testimony of R.P. Chelak (PW-3). In these circumstances, it is proved beyond doubt that the applicant had a knife with him. Thus, the statements of all these witnesses are quite consistent and therefore there is no reason

to disbelieve or discard the same. In this view of the matter, both the Courts below appear to have been fully justified in holding the accused/applicant guilty under Section 25(1-B)(b) of the Arms Act and therefore, no infirmity or illegality is visible in the judgment under assail.

6. However, looking to the fact that the incident had taken place in the year 2006 and thereby more than 14 years have passed by, and further that the accused/applicant has already remained inside for more than 40 days, this Court thinks it proper to reduce the sentence imposed on him to the period already undergone, so that his already settled family life is not landed to crises. Order accordingly.

7. Revision allowed in part.

Sd/-

(Vimla Singh Kapoor)
JUDGE