

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.R. No.357 of 2020

- Aiju Samudre S/o Shri Surendra Samudre Aged About 22 Years R/o Siddharth Nagar, Durg, District Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate, Durg, District Durg, Chhattisgarh

---- Non-applicant

For Applicant	:	Ms. Swati Verma on behalf of Mr. Jitendra Gupta, Advocate.
For State	:	Mr. Adil Minhaj, G.A..

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-05-2020

Heard.

1. Learned counsel for the applicant and learned State counsel both have agreed to argue for disposing off this case finally.
2. This petition has been brought being aggrieved by the judgment dated 20.02.2020 passed in Criminal Appeal No.39/2020 by the Fourth Additional Sessions Judge, Durg, C.G., by which the conviction against the applicant by the trial Court was upheld. However, the sentence was modified.
3. The case against the applicant is this that on 04.12.2014 at about 12:15 pm, in the afternoon, the applicant was found in possession of a sharp knife of dimensions prohibited under the Arms Act, 1959. The case was registered under Section 25 of Arms Act against him. The trial Court charged the applicant under Section 25 of Arms Act and on completion

of trial, the applicant was convicted for the offence under section 25(1)(B)(A) of Arms Act and sentenced with R.I. of one year along with fine of Rs.2,000/- with default stipulations.

4. In the appeal preferred, the appellate Court upheld the conviction of the applicant. However, the sentence was reduced from R.I. for one year to only R.I. of three months along with fine as imposed by the trial Court.
5. It is submitted by the learned counsel for the applicant that the applicant has already suffered the sentence, the applicant was taken in custody on 20.02.2020 and since then he is in jail. He was also under detention for a period of 15 days after his arrest at the stage of investigation. Therefore, the sentence imposed against him is almost complete. Therefore, it is prayed that the case may be disposed off.
6. Learned State counsel opposes the application and submits that the applicant has already undergone sentence of R.I. imposed upon him by the appellate Court and also the evidence present in the record by itself shows that there is no ground for interference in the impugned judgment.
7. Heard learned counsel for both the parties and also perused the documents present.
8. After perusing the evidence present in the record of the trial Court, I am of this view that the learned trial Court has not committed any error in drawing this conclusion that the applicant has committed the offence under Section 25(1)(B)(A) of Arms Act. Similarly, the appellate Court has also not committed any error. Although, there is a minimum sentence prescribed for offence under Section 25(1)(B)(A) of Arms Act, however,

a Court by mentioning specific reasons can sentence with a period of imprisonment lesser than one year. The learned appellate court has mentioned the reasons in paragraph 14 of the impugned judgment which appears to be agreeable. Therefore, I do not find any reason to interfere with the impugned judgment and also for the reason that the applicant has already undergone jail sentence of R.I. imposed upon him by the appellate Court, hence, no interference is needed.

9. Accordingly, the petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika