

**CRR-277-2023 (O&M)**

1

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRR-277-2023 (O&M)****Reserved on : 24.09.2025****Pronounced on : 26.09.2025**

Ganga Bishan

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by: Mr. Raj Kapoor Malik, Advocate for the petitioner.

Ms. Deepali Verma, AAG, Haryana.

SURYA PARTAP SINGH, J.

1. Challenge in this revision petition is to the judgment of conviction dated 19.04.2016 and order of sentence dated 21.04.2016, passed by the learned Judicial Magistrate First Class Kaithal, hereinafter being referred to as the 'trial Court', duly affirmed by the learned Additional Sessions Judge Kaithal, hereinafter being referred to as 'Appellate Court', vide judgment dated 18.01.2023.

2. Succinctly, the background giving rise to the present revision petition is that the revisionist/petitioner/accused, hereinafter being referred to as 'petitioner' only, stood trial for the commission of offence punishable under Section 25 of the Arms Act. The abovementioned trial culminated into judgment of conviction and order of sentence as mentioned above.

**CRR-277-2023 (O&M)**

2

Aggrieved of the abovementioned judgment of conviction and order of sentence, the petitioner preferred an appeal. However, the appeal preferred by the petitioner did not find favour in Sessions Court and thus, dismissed by virtue of judgment dated 18.01.2023.

3. Briefly stating the facts emerging from record are that the FIR against the petitioner was lodged for the commission of aforesaid offence with brief averments that on 08.10.2012, when he was intercepted, a 315 bore country-made pistol, along with one cartridge, was recovered from his possession. According to prosecution, since the petitioner was not having any permit or licence for being in possession of the same, it was observed that the petitioner committed an offence under Section 25 of Arms Act. Thus, he has been prosecuted.

4. Heard.

5. It has been argued by learned counsel for the petitioner that the petitioner is a person, who has no criminal history, and that the custody certificate available on record in itself shows that against the awarded sentence of 02 years, the petitioner has already served sentence for a period of 08 and half months. According to learned counsel for the petitioner, the petitioner is innocent and has falsely implicated in the present case. As per learned counsel for the petitioner, all the witnesses examined by the prosecution are police officials and there is no independent corroboration of the testimony of those police officials. It has been further contended by learned counsel for the petitioner that the testimony of official witnesses

**CRR-277-2023 (O&M)**

examined by the prosecution are self-contradictory and that the same is not good enough to inspire confidence.

6. In the alternative, the learned counsel for the petitioner has argued that the petitioner, who is having a clean record, is entitled for a lenient view, and that even if he is found guilty for the abovementioned offence, the petitioner is entitled for a lenient view. The learned counsel for the petitioner has prayed that the sentence awarded to the petitioner should be reduced to the sentence, he has already undergone in this case.

7. *Per contra*, learned State Counsel has argued that instant case is a well-proved case and the evidence adduced by the prosecution has been thoroughly examined and minutely analysed by the learned trial Court. According to learned State Counsel, finding the prosecution evidence credit-worthy, the learned trial Court has rightly convicted the petitioner. As per learned State Counsel, since proper appreciation of evidence has been made by the learned trial Court, the learned Appellate Court did not find any scope to interfere in the findings returned by the learned trial Court.

8. The record including the learned trial Court has been perused carefully.

9. As far as the arguments with regard to contradictions in the testimony of prosecution witnesses are concerned, the same are not of much relevance in the present revision petition. Here this fact cannot be ignored that the petitioner has invoked the revisional jurisdiction of this Court and

**CRR-277-2023 (O&M)**

the abovesaid jurisdiction has very limited scope of interference. The re-appreciation of evidence is not permitted in usual course.

10. In the light of abovementioned legal proposition, the record has been perused and it has been found that there is no patent illegality or infirmity in the appreciation of the evidence either by the learned trial Court or by the Appellate Court. Hence, it is hereby held that there is no scope for interference in the findings recorded by the learned trial Court with regard to conviction of petitioner. Thus, the judgment of conviction rendered by the learned trial Court, which has been duly affirmed by the learned Appellate Court, is hereby affirmed.

11. As far as the order of quantum of sentence is concerned, in view of the fact that the petitioner is a first time offender, and that even after the present prosecution, he has not been prosecuted by the police for any other case, it is hereby held that the petitioner is entitled for a lenient view and the sentence awarded to the petitioner, i.e. imprisonment for a period of 02 years, is harsh. Thus, with regard to quantum of sentence, there is need for interference and indulgence of revisional jurisdiction of this Court.

12. Resultantly, the order of quantum of sentence is hereby modified and the petitioner is sentenced to undergo imprisonment for the period he has already undergone, i.e. 08 months and 14 days, as per custody certificate.



CRR-277-2023 (O&M)

13. With the abovementioned observations, the present revision petition is hereby partly allowed to the extent that the sentence awarded to the petitioner is modified in the aforesaid terms.

14. Pending miscellaneous application(s), if any, shall also stand disposed of.

(SURYA PARTAP SINGH)
JUDGE

SEPTEMBER 26, 2025
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No