2026:JHHC:26844

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J.) No. 385 of 2009

[Against the judgment of conviction and sentence dated 26.02.2009 passed by the learned District & Sessions Judge, Lohardaga in Sessions Trial No. 165 of 2007.]

Narayan Sahu, S/o. Kishun Sahu, R/o. Village- Merley, P.S.- Kisko, Dist.- Lohardaga. ... ... **Appellant**

Versus

The State of Jharkhand …… **Respondent**

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Appellant : Mr. Amlan Palit, Advocate
For the State : Mr. Sanjay Kr. Srivastava, A.P.P.

J U D G M E N T

Dated: 07th September, 2026
By Court:-

1. Heard learned counsel for the appellant as well as learned A.P.P.

2. Instant criminal appeals is directed against the judgment of conviction and sentence dated 26.02.2009 passed by the learned District & Sessions Judge, Lohardaga in Sessions Trial No. 165 of 2007, whereby and whereunder, the appellant has been convicted for the offences under Section 25(1-B)(a) & 26(1) of the Arms Act and Section 4 of the Explosive Substance Act and sentenced to undergo S.I. for two years alongwith the fine of Rs. 1000/- for the offence under Section 25(1-B)(a) of the Arms Act; S.I. for four years alongwith the fine of Rs. 1000/- for the offence under Section 26(1) of the Arms Act and S.I. for five years for the offence under Section 4 of the Explosive Substance Act with default stipulation. All the sentences are directed run concurrently.

Factual Matrix:-

3. The factual matrix giving rise to this appeal is that on 24.06.2006 during the course of patrolling in the evening, the informant Aqueel Ahmed of Kisko police station received secret information that the present appellant Naryan Sahu @ Thutha has returned to his house with illegal country made pistol. On the basis of said information, the informant alongwith other police personnels conducted a raid at the house of the appellant at 6:10 P.M. As soon as the police personnel reached near the house of the appellant, the appellant came out of the house and tried to flee away. However, he was apprehended on the chase by the police party. The appellant was searched in presence of independent witnesses, in which one country made pistol loaded with live cartridge tucked from his side was recovered. On the search of his house, four crude bomb kept in a polythene bag was also seized from one of the room. No valid papers were produced regarding the seized articles and accordingly, the seizure list was prepared.

4. On the basis of written report of the informant, F.I.R. being Kisko P.S. Case No. 34 of 2006 was registered for the offence under Sections 25(1-B)a/26/35 of the Arms Act and Sections 3 & 4 of the Explosive Substance Act against the accused.

5. After completion of investigation, the charge-sheet was submitted against the above named accused and after taking cognizance, the case was committed to the Court of Sessions, where Sessions Trial No. 165 of 2007 was registered.

6. The accused denied the charges levelled against him and claimed to be tried.

7. It appears that altogether nine witnesses have been examined by the prosecution apart from following documentary evidence: -

(i) Exhibit-1: Search/seizure list.

(ii) Exhibit-1/1: Signature of accused on seizure list.

(iii) Exhibit-2: Self statement of Aqeel Ahmed (informant).

(iv) Exhibit-3: formal F.I.R.

(v) Exhibit-4: Arms and ammunition test report of Sergeant Major.

(vi) Exhibit-5: F.S.L. report.

(vii) Exhibit-6 & 7: Sanction order of D.M. Lohardaga.

Apart from above, seized arms and ammunitions (pistol and live cartridges) were produced before the Court and marked Material Ext.-I & II.

8. On the other hand, no oral or documentary evidence has been adduced on behalf of defence. The case of the defence is denial from the occurrence and false implication by police.

9. The learned Trial Court after considering the evidence of prosecution arrived at definite conclusion about guilt of the appellant for the offences under Sections 25(1-B)(a) & 26(1) of the Arms Act and Sections 4 of the Explosive Substance Act and convicted and sentenced him as stated above, which has been assailed in this appeal.

Submissions on behalf of the appellant:-

10. Learned counsel for the appellant without touching the merits of the judgment has confined himself towards the quantum of sentence awarded to the appellant by the learned Trial Court. It is further submitted that the appellant was apprehended having possession of country made pistol alongwith live cartridges and on search of the house, four sutli bomb (curde bomb) were also recovered. The occurrence is of the year 2006 and at that time, minimum sentence for the aforesaid offence was one year which may be extended up to three years. The appellant has remained in custody for almost about three years and he has sufficiently been punished for his guilt. The appellant is having no criminal background. The appellant has sustained the agony of trial since more than two decades and has also undergone substantial period of imprisonment. Therefore, the sentence of the appellant may be reduced to the extent of the imprisonment already undergone by him instead of the sentence awarded by the learned Trial Court.

Submissions on behalf of the State:-

11. On the other hand, learned A.P.P. has defended the impugned judgment on merits and has submitted that there is finding of the learned Trial Court with regard to possession of illegal arms and ammunitions and secretly keeping bombs, but so far the sentence awarded to the appellant is concerned, it is submitted that the matter is of the year 2006 and more than two decades have been elapsed. Therefore, appropriate order may be passed.

Analysis, discussions and reasons: -

12. From perusal of evidence available on record, it is proved beyond doubt that appellant was apprehended by the police and on search, a country made pistol and live cartridges without any valid license was recovered from his possession. The pistol was fit and in working condition has also been proved by report of expert Sergeant Major. It further appears that four sutli bomb (curde bomb) were also recovered and seized from the house of the appellant. These bombs after being defused were sent to forensic science laboratory for examination and were proved to be explosive article. Hence, the conviction of the appellant for the offence under Section 25(1-B)(a) of the Arms Act as well as Section 4 of the Explosive Substance Act is hereby upheld. So far conviction under Section 26(1) of the arms act is concerned, there is no evidence of secret contravention in terms of provisions of Arms Act. Therefore, conviction and sentence under Section 26(1) of the Arms Act is set aside.

13. So far quantum of sentence of the appellant is concerned, the appellant has already remained in custody for about three years out of sentence of S.I. of two years awarded for the offence under Section 25(1-B)(a) of the Arms act and S.I. for five years awarded for the offence under Section 4 of the Explosive Substance Act. The occurrence is of the year 2006 and more than two decades have been elapsed and the appellant has also sustained the agony of trial remaining considerable period of custody.

14. In view of above discussion and reasons, I find that the appellant has been sufficiently punished for his guilt. Accordingly, in the ends of justice, the sentence of the appellant is reduced / modified and he is awarded the sentence of imprisonment already undergone without time as against the sentence awarded by the learned Trial Court for the offence under Section 25(1-B)(a) of the Arms Act and Section 4 of the Explosive Substance Act.

15. Accordingly, this appeal is **dismissed on merits with modification in conviction and sentence** to the extent as mentioned above.

16. The appellant is on bail. As such, he is discharged from the liability of his bail bond and sureties are also discharged.

17. Pending I.A(s), if any, is also disposed of accordingly.

18. Let a copy of this judgment along with Trial Court Records be sent back immediately to the court concerned for information and needful.

(Pradeep Kumar Srivastava, J.)

High Court of Jharkhand at Ranchi
Dated: 07th September, 2026
Rahul- NAFR
Uploaded on: 09/09/2026