(2006) 01 P&H CK 0233

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Appeal No. 636-SB of 2001

Yashpal @ Don	APPELLANT
Vs	
The State of Haryana	RESPONDENT

Date of Decision: Jan. 10, 2006

Acts Referred:

- Arms Act, 1959 - Section 25, 59

Citation: (2006) 01 P&H CK 0233

Hon'ble Judges: Kiran Anand Lall, J; Amar Dutt, J

Bench: Division Bench

Advocate: M.J.S. Waraich, for the Appellant; B.S. Rana, D.A.G., Haryana, for the Respondent

Final Decision: Dismissed

Judgement

Amar Dutt, J.
This appeal has been filed by Yashpal alias Don appellant to challenge the conviction and sentence recorded against him by the Additional Sessions Judge, Panipat on 20.4.2001 in case F.I.R. No.229 dated 20.6.1996 registered under Sections 25/54/59 of the Arms Act, in Police Station City, Panipat.

2. Briefly stated, the facts of the prosecution case are that on 20.6.1996, the appellant was arrested by Sub Inspector Rajinder Singh and other police officials during the investigation of case F.I.R. No. 193 of 1996 under Sections 363/365/386/364-A/34 of the Indian Penal Code in Police Station City, Panipat, when they were present near Railway Station, Panipat. The personal search of the appellant led to the recovery of one pistol of 12 bore and three live cartridges from the pocket of his pant. A rough sketch of the pistol Ex.PB was prepared by Sub Inspector Rajinder Singh. The pistol and the cartridges were taken into possession through seizure memo Ex.PA. A ruqa Ex.PD was sent to the Police Station and on its basis formal FIR Ex.PD/1 was recorded. The Investigating Officer also got the pistol tested from an Armour and after obtaining the requisite sanction of the District Magistrate a challan was filed against the appellant for violation of the provisions

of Section 25 of the Arms Act.

3. After the case was committed, a separate charge u/s 25 of the Arms Act was framed against the appellant to which he pleaded not guilty.

4. In order to bring home charge against the appellant, the prosecution examined Madan Mohan PW1, HC Azad Singh PW2 and Inspector Rajinder Singh PW3 before closing its evidence.

5. When examined u/s 313 of the Code of Criminal Procedure in order to explain the incriminating circumstances appearing in prosecution evidence against him, the appellant denied all the circumstances and asserted that he was falsely implicated in this case.

6. The trial Court after perusing the evidence and the record came to the conclusion that the case against the appellant for illegal possession of pistol and three live cartridges was proved beyond reasonable doubt and after convicting him u/s 25 of the Arms Act sentenced him to undergo rigorous imprisonment for a period which he has already undergone as under trial.

7. At the time of hearing arguments in the main appeal i.e. Crl.A.No.302-DB of 2001, no arguments were addressed on behalf of the appellant to challenge the veracity of the evidence brought on the file in this separate trial. This was presumably on account of the fact that the sentence awarded was so innocuous that even in case of dismissal of the appeal, the same would not, in any way, prejudice the appellant, as he would not have to serve any additional imprisonment on account of his conviction. In spite of this fact, we have gone through the evidence and find that on record the appellant has not been able to bring any material which would persuade us to discard the testimony of the witnesses examined in the case.

8. Consequently, we have no hesitation in dismissing the appeal and upholding the conviction and sentence recorded by the Court below. Ordered accordingly.