

Arms Act, 1959

Chapter 05 - CHAPTER 05: OFFENCES AND PENALTIES

SECTION 25: PUNISHMENT FOR CERTAIN OFFENCES¹⁷ (1) Whoever-(a) manufactures, sells, transfers, converts, repairs, tests or proves or exposes or offers for sale or transfer, or has in his possession for sale, transfer, conversion, repair, test or proof, any arms or ammunition in contravention of section 5-; or (b) shortens the barrel of a firearm or converts an imitation firearm into a firearm in contravention of section 6-; or (c) brings into, or takes out of India, any arms or ammunition of any class or description in contravention of section 11-, shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine.²² (1 A) Whoever acquires, has in his possession or carries any prohibited arms or prohibited ammunition in contravention of section 7- shall be punishable with imprisonment for a term which shall not be less than five years, but which may extend to ten years and shall also be liable to fine. (1AA) Whoever manufactures, sells, transfers, converts, repairs, tests or proves, or exposes: or offers for sale or transfer or has in his possession for sale, transfer, conversion, repair, test or proof, any prohibited arms or prohibited ammunition in contravention of section 7- shall be punishable with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life and shall also be liable to fine.]²² [(1AAA)] Whoever has in contravention of a notification issued under section 24 A-in his possession or in contravention of a notification issued under section 24B-carries or otherwise has in his possession, any arms or ammunition shall be punishable with imprisonment for a term which: shall not be less than [three year, but which may extend to seven years] and shall also be liable to fine. (1 B) Whoever-(a) acquires, has in his possession or carries any firearm or ammunition in contravention of section 3-; or (b) acquires, has in his possession or carries in any place specified by notification under section 4-any arms of such class or description as had been specified in that notification in. contravention of that section; or (c) sells or transfers any firearm which does not bear the name of the maker, manufacturer's number or other identification mark, stamped or otherwise shown thereon as required by sub-section (2) of section 8-or does any act in contravention of sub-section (1) of that section; or (d) being a person to whom sub-clause (ii) or sub-clause (iii) of clause (a) of sub-section (1) of section 9-applies, acquires, has in his possession or carries any firearm or ammunition in contravention of that section; or (c) sells or transfers, or converts, repairs, tests or proves any firearm or ammunition in contravention of clause (b) of sub-section (1) of section 9-; or (f) brings into, or takes out of, India, any arms or ammunition in contravention of section 10-; or (g) transports any arms or ammunition in contravention of section 12-: or (h) fails to deposit arms or ammunition as required by sub-section (2) of section 3-or sub-section (1) of section 21-; or (i) being a manufacturer of, or dealer in, arms or ammunition, fails, on being required to do so by rules made under section 44-, to maintain a record or account or to make therein all such entries as are required by such rules or intentionally makes a false entry therein or prevents or obstructs the inspection of such record or account or the making of copies of entries therefrom or prevents or obstructs the entry into any premises or other place where arms or ammunition are or is manufactured or kept or intentionally fails to exhibit or conceals such arms or ammunition or refuses to point out where the same are or is manufactured or kept, shall be punishable with imprisonment for a term which shall not be less than [one year] but which may extend to three years and shall also be liable to fine: Provided that the Court may for any adequate and special reasons to be recorded in the judgment impose a sentence of imprisonment for a term of less than [one year].²⁰ [(1C) Notwithstanding anything contained in sub-section (1B), whoever commits an offence punishable under that sub-section in any disturbed area shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine. (2) Whoever being a person to whom sub-clause (i) of clause (a) of sub-section (1) of section 9- applies, acquires, has in his possession or carries any firearms or ammunition in contravention of that section shall be punishable with imprisonment for a term which may extend to one year, or with fine or with both.¹⁷ [(3) whoever sells or transfers any firearm, ammunition or other arms-(i) without informing the district magistrate

having jurisdiction or the officer-in-charge of the nearest police station, of the intended sale or transfer of that firearm, ammunition or other arms; or(ii) before the expiration of the period of forty-five days from the date of giving such information to such district magistrate or the officer-in-charge of the police station, in contravention of the provisions of clause (a) or clause (b) of the proviso to sub- section (2) ofSection 5-, shall be punishable with imprisonment for a term which may extend to six months, or with fine of an amount which may extend to five hundred rupees, or with both.](4) Whoever fails to deliver up a licence when so required by the licensing authority under subsection (1) ofsection 17-for the purpose of varying the conditions specified in the licence or fails to surrender a licence to the appropriate authority under subsection (10) of that section on its suspension or revocation shall be punishable with imprisonment for a term which may extend to six months, or with fine of an amount which may extend to five hundred rupees, or with both.(5) Whoever, when required undersection 19-to give his name and address, refuses to give such name and address or gives a name or address which subsequently transpires to be false shall be punishable with imprisonment for a term which may extend to six months or with fine of an amount which may extend to two hundred rupees, or with both.

SECTION 26: SECRET CONTRAVENTIONS23(1) Whoever does any act in contravention of any of the provisions ofsections 3-,4-or12-in such manner as to indicate an intention that such act may not be known to any public servant or to any person employed or working upon a railway, aircraft, vessel, vehicle or any other means of conveyance, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years and also with fine.(2) Whoever does any act in contravention of any of the provisions ofsections 5-,6-,7-or11- in such manner as to indicate an intention that such act may not be known to any public servant or to any person employed or working upon a railway, aircraft, vessel, vehicle or any other means of conveyance, shall be punishable with imprisonment for 'a term which shall not be less than five years but which may extend to ten years and also with fine.(3) Whoever on any search being made undersection 22-conceals or attempts to conceal any arms or ammunition, shall be punishable with imprisonment for a term which may extend to ten years and also with fine.]

SECTION 27: PUNISHMENT FOR USING ARMS, ETC24(1) Whoever uses any arms or ammunition in contravention ofsection 5-shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine.(2) Whoever uses any prohibited arms or prohibited ammunition in contravention ofsection 7-shall be punishable with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life and shall also be liable to fine.(3) Whoever uses any prohibited arms or prohibited ammunition or does any act in contravention ofsection 7-and such use or act results in the death of any other person, shall be punishable with death.]

SECTION 28: PUNISHMENT FOR USE AND POSSESSION OF FIREARMS OR IMITATION FIREARMS IN CERTAIN CASESWhoever makes or attempts to make any use whatsoever of a firearm or an imitation firearms with intent to resist or prevent the lawful arrest or detention of himself or any other person shall be punishable with imprisonment for a term which may extend to seven years,25[and with fine].

SECTION 29: PUNISHMENT FOR KNOWINGLY PURCHASING ARMS, ETC., FROM UNLICENSED PERSON OR FOR DELIVERING ARMS, ETC., TO PERSON NOT ENTITLED TO POSSESS THE SAMEWhoever,-(a) purchases any firearms or any other arms of such class or description as may be prescribed or any ammunition from any other person knowing that such other person is not licensed or authorised undersection 5-; or(b) delivers any arms or ammunition into the possession of another person without previously ascertaining that such other person is entitled by virtue of this Act or any other law for the time being in force to have, and is not prohibited by this Act or such other law from having, in his possession the same; shall be punishable with imprisonment for a term which may extend to26 [three years, or with fine, or with both].

SECTION 30: PUNISHMENT FOR CONTRAVENTION OF LICENCE OR RULEWhoever contravenes any condition of a licence or any provision of this Act or any rule made thereunder, for which no punishment is provided elsewhere in this Act shall be punishable with imprisonment for a term which may extend to27[six months], or with fine which may extend to27[two thousand] rupees, or with both.

SECTION 31: PUNISHMENT FOR SUBSEQUENT OFFENCESWhoever having been convicted of an offence under this Act is again convicted of an offence under this Act shall be punishable with double the penalty provided for the latter offence.

SECTION 32: POWER TO CONFISCATE(1) When any person is convicted under this Act of any offence committed by him in respect of any arms or ammunition, it shall be in the discretion of the convicting court further to direct that the whole or any portion of such arms or ammunition, and any vessel, vehicle or other means of conveyance and any receptacle or thing containing, or used to conceal, the

arms or ammunition shall be confiscated : Provided that if the conviction is set aside on appeal or otherwise, the order of confiscation shall become void.(2) An order of confiscation may also be made by the appellate Court or by the High Court when exercising its powers of revision.

SECTION 33: OFFENCES BY COMPANIES(1) Whenever an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, or was responsible to the company for the conduct of, the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of such offence.(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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