

Raju Vs. the State of M.P.

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Court : Madhya Pradesh

Decided On : May-02-2013

Appellant : Raju

Respondent : The State of M.P.

Advocate for Pet/Ap. : Shri. Nishant Datt

Judgement :

Cr.R. No.786/1999 2.5.2013 Shri Nishant Datt, counsel for the applicant. Shri P. Tiwari, GA for the State. Heard finally. This revision has been preferred by the applicant under section 397/401 of the Cr.P.C. being aggrieved by judgment dated 22.4.1999 delivered by Additional Sessions Judge, Harda in Cr. A. No.39/1994 whereby the appeal of the applicant has been dismissed and further the conviction and sentence recorded by the learned JMFC, Harda vide judgment dated 30.7.1994 in Criminal Case No.165/1991, wherein applicant has been convicted under Section 25 of Arms Act and sentenced to undergo RI for 1 year, has been confirmed.

2. The facts giving rise to this revision, in short, are that as per prosecution story on 30.5.1991 the applicant was apprehending by police officer B.S. Chouhan and on search a Katar was seized from his possession. After completing the aforesaid investigation, a charge sheet was filed against the applicant.

3. On appraisal of evidence on record, the trial Court convicted the applicants under section 25 of Arms Act and sentenced to R.I. for 1 year.

4. The applicant abjured the guilt and prays for trial and recording of evidence. The applicant has been convicted. Being aggrieved thereby he preferred an appeal before the Sessions Judge, Harda. The appeal of applicant has been dismissed by the Appellate Court by affirming the conviction and sentence awarded by the trial Court. Hence this revision.

5. Learned counsel for the applicant has submitted that trial Court as well as Appellate Court committed illegality in not appreciating the evidence on record in their true perspective. He further submitted that the applicant does not want to argue the case on merits. He further submitted that he filed a certificate of Superintendent of Jail, Hoshangabad in regard to the fact that applicant was remained in jail from 28.8.1999 to 18/1/2000. The applicant has suffered the jail sentence of about more than 4 months, therefore, no useful purpose is going to be served by sending the applicant again in the jail, thus, in the interest of justice, the applicant may be sentenced for the period already undergone.

6. Learned counsel for the State has supported the judgment and finding recorded by the Courts below.

7. I have perused the impugned judgments passed by the Appellate Court and trial Court. In these circumstances, trial Court as well as Appellate Court have not committed any illegality in recording the conviction under Section 25 of Arms Act against the applicant.

8. Since learned counsel for the applicant has not challenged the conviction recorded by the Courts below, the same is hereby affirmed.

9. So far as sentence is concerned, the incident took place 15 years ago. The applicant has suffered the jail sentence of about more than 4 months, therefore, in my opinion, no useful purpose is going to be served by again sending the applicant to the jail, therefore, the revision is partly allowed. The conviction recorded by the Courts below is hereby affirmed, however, the sentence recorded

by the Courts below is reduced to the period already undergone.

10. The applicant is on bail. His bail bond and surety bond stand discharged.

11. Record of the trial Court be sent back immediately along with a copy of this Order. (G.S. Solanki) JUDGE ravi

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