

Tularam Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Oct-09-2013

Appellant : Tularam

Respondent : The State of Madhya Pradesh

Judgement :

HIGH COURT OF MADHYA PRADESH AT JABALPUR Criminal Revision
No.1791/2013 Petitioner : Tularam Vs. Respondent : The State of Madhya
Pradesh Present: Hon. Shri B.D.Rathi
----- For
petitioner : Shri Y.K. Gupta, Advocate For the respondent : Shri S.K. Kashyap,
Govt. Advocate

ORDER

(9/10/13) This revision petition has been preferred against the judgment dated 30/8/2013 passed by Additional Sessions Judge, Hata, District Damoh in Cr.A. No.28/2013 whereby the judgment dated 17/6/13 passed by Judicial Magistrate First Class, Hata District-Damoh in Criminal Case No.1166/10 convicting the petitioner under Section 25(1B)(a) of the Arms Act and sentencing him to undergo simple imprisonment for one year with fine of Rs.500/-, was affirmed.

2. Prosecution case, in brief, is that on 29/8/10 a 12 bore country made pistol with two live cartridges was seized from the possession of the petitioner from Bus

Stand, Hata.

3. At the outset, learned counsel for the petitioner submitted that he does not want to challenge the conviction awarded to the petitioner. However, he prayed that the custodial sentence passed against the petitioner may be reduced to the period already undergone. According to him, the petitioner is in jail since 30/8/13.

4. In response, learned Government Advocate while making reference to the incriminating pieces of evidence on record, submitted that the conviction was well merited and the impugned judgment did not warrant interference. 2 Cr.R. No.1791/13 5. Having regard to the arguments advanced by the parties, perused the judgments of both the Courts below.

6. As the conviction is not under challenge, adverting to the question of sentence, it is apparent from the record that the incident took place, as early as, in the year 2010 and since then the petitioner has faced the prosecution and suffered the ordeal of trial and appeal for a period of more than two years. Taking into consideration facts and circumstances of the case including the fact that on the date of incident the petitioner, who had no criminal antecedents, was aged about 24 years and in view of proviso given under Section 25(1B)(a) of the Arms Act, interests of justice would be met if the term of custodial sentences is reduced to six months and the fine amount is enhanced to Rs.1000/-.

7. In view of the aforesaid, impugned conviction is maintained. However, the impugned term of custodial sentence is reduced to six months and the amount of fine is enhanced to Rs.1000/- (Rupees One thousand).

8. In the result, the revision stands allowed in part.

9. Copy of the order be sent to the trial Court for information and compliance. (B. D. RATHI) JUDGE910/13 (and)

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