

Afak Haider Vs. the State

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Court : Andhra Pradesh

Decided On : Jul-19-1951

Reported in : 1951CriLJ1522

Judge : Shripateao and ;M.A. Ansari, JJ.

Appellant : Afak Haider

Respondent : The State

Judgement :

ORDER

1. This is a revision petition against the order of the Chief City Magistrate holding that the case under the Arms Act could be tried & that 8 403 Sub-B (4), Indian Cr P.C., corresponding to Section 204, Hyderabad Cr. P. O. was no bar. The relevant facts are that the accused was prosecuted for an attempt to commit suicide with a revolver. That case was decided & the accused convicted. The present prosecution is under the-Arms Act for unlawful possession of the said revolver. Mr. Chobe, the learned advocate for the accused contends that if the attempt to commit suicide was with the same revolver about which the present offence has been launched it will be barred under Section 403, Indian Cr. P.C. cited above. We do not agree with this contention. The test to determine whether the said section would be a bar or not is to see whether the subsequent offence is the same as the previous offence. It is clear that the possession of the revolver without a licence is a distinct offence in itself under the Arms Act- It hag nothing to do with the attempt

to commit suicide which is a separate offence under the Penal Code. In Emperor v. Munnoo A. I. B. (20) 198a Oudh 470, it was held that conviction in respect of possession of stolen revolver under Sections 411 & 414, Penal Code, is no bar to conviction under Section 19(f), Arms..This revision petition therefore fails & is dismissed.

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