

**Karambir Vs. State**

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**Court :** Delhi

**Decided On :** Jul-25-1997

**Reported in :** 73(1998)DLT507

**Judge :** A.D. Singh, J.

**Acts :** [Arms Act, 1959](#) - Sections 25

**Appeal No. :** Criminal Revision Appeal No. 200 of 1997

**Appellant :** Karambir

**Respondent :** State

**Advocate for Pet/Ap. :** amices Curiae,; P.R. Thakur and; Mukta Gupta, Advs

**Judgement :**

**Anil Dev Singh, J.**

(1) This is a revision directed against the order of Additional Sessions Judge dated 30th September, 1997. The case against the petitioner is that on 23rd August, 1985 at about 2.10 a.m. he along with six other persons was planning to commit dacoity. The accused was apprehended and one country made pistol along with one cartridge is alleged to have been recovered from him. The Metropolitan Magistrate convicted the accused under Section 25 of the Arms Act and sentenced him to undergo two years rigorous imprisonment and imposed a fine of

Rs. 500.00 . The matter was carried in appeal, but the conviction was maintained. ' However, the sentence was reduced to one year rigorous imprisonment.

(2) I have gone through the judgment of the learned Additional Sessions Judge. I find that the matter has been dealt with in a slip shod manner. The argument of the learned Counsel for the petitioner was noticed but no consideration was given to it. It was pointed out by the Counsel that vital evidence connecting the accused with the offence was missing in the case inasmuch as, Public Witness Public Witness 7 had stated that he had taken two sealed parcels to CfsI while in the report of CfsI it was said that one parcel was deposited. In this regard it was also pointed out that Moharrar Malkahna with whom the case property was deposited, was not examined by the prosecution. Besides it was further pointed out by the learned Counsel for the petitioner that the Investigation Officer, Rw 3 had not stated that he had deposited the specimen impression of the seal with the Moharrar Malkhana Along with the case property. The learned Additional Sessions Judge did not take into consideration the aforesaid vital flaws in the prosecution case which has resulted in miscarriage of justice. In view of these defects which go to the root of the case it cannot be said that the offence against the accused has been proved beyond any shadow of doubt. Accordingly, the conviction and sentence of the petitioner is set aside.

(3) The revision is disposed of.

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