

Mirat Ram Vs. State of Rajasthan

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Court : Rajasthan

Decided On : Nov-06-1987

Reported in : 1987WLN(UC)760

Judge : Mohini Kapoor, J.

Appeal No. : S.B. Cr. Revision No. 267 of 1987

Appellant : Mirat Ram

Respondent : State of Rajasthan

Judgement :

Mohini Kapoor, J.

1. The petitioner was convicted by the Addl, Munsif-Cum-Judicial Magistrate, Dholpur for the offence under Section 3/25 of the Arms Act and sentenced to six months rigorous imprisonment. The conviction and sentence has been confirmed by the Addl. Sessions Judge, Dholpur by order dated 5-10-1987 against this order he has come in this revision.

2. The learned Counsel for the petitioner has not contested the conviction on merits and from the evidence also it can be said that the witnesses have been able to prove that one Kutta (gun) along with some gun powder and potas was recovered from his possession. It is contended that the petitioner has already

remained in jail for about one month and that it is, his first offence and he should be either released on probation or on the sentence already undergone.

3. In the present case, the gun powder recovered from the petitioner is about 100 gms. only. There is no evidence to show that the Katta was fired recently. Considering the circumstances, it can be said that the ends of justice will be met, if the petitioner is released on the sentence already undergone by him.

4. The petition is partly accepted and the petitioner is directed to be released forthwith if not wanted in any other case, as he is to be released on the sentence already undergone by him.

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