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The Queen Vs. Siddappa

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Court : Chennai

Decided On : Aug-21-1882

Reported in : (1882)ILR6Mad60

Judge : Innes, Officiating C.J., ;Muttusami Ayyar and ;Tarrant, JJ.

Appellant : The Queen

Respondent : Siddappa

Judgement :

Innes, Officiating C.J., Muttusami Ayyar and Tarrant, JJ.

1. The accused in this case has been tried under Section 19, Clause (f) of the Indian Arms Act XI of 1878, for possessions of a gun without a license. He was discharged under Section 215 of the Criminal Procedure Code on the ground that the gun was unserviceable, the trigger being lost.

2. The District Magistrate submits that the fact of trigger being lost is immaterial, as a gun without a trigger comes within the provision of Section 4 of the Arms Act, which lays down that the word ' arms ' includes inter alia 'parts of arms,' and that the discharge was therefore not warranted.

3. It appears from the evidence taken in the case that the gun was quite unserviceable and unfit for use; in fact the District Magistrate finds that it is. not a firearm at all.

4. A firearm in such a state as this, even though it might be repaired and rendered serviceable, is not, we think, one for which a license need be taken out. In including parts of arms in the meaning of arms, the Legislature intended, in our opinion, to provide against the importation and retention of arms in parts which might be put together at any moment and used as firearms. A firearm which is defective and otherwise unserviceable is not, we think, within the meaning of the Act.

5. It may be a question whether any firearm possessed without a license is. unserviceable); but in the present case it is found that it is so.

6. We think, therefore, that the accused was rightly discharged, and decline-to interfere.

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