

NizamuddIn Vs. State

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Court : Himachal Pradesh

Decided On : Jan-02-1952

Reported in : AIR1952HP45

Judge : Chowdhry, J.C.

Acts : Arms Act, 1878 - Sections 19 and 29

Appeal No. : Criminal Ref. No. 10 of 1951

Appellant : Nizamuddin

Respondent : State

Advocate for Def. : N.D. Gupta, Govt. Adv.

Advocate for Pet/Ap. : Harish Chandar, Adv.

Judgement :

ORDER

Chowdhry, J.C.

1. This is a reference by the learned Sessions Judge of Bilaspur under Section 438, Criminal P. C., recommending that the conviction of one Nizamuddin under Clauses (a) and (f) of S. 19 of the Arms Act be set aside. The reference has not been opposed by the learned Government Advocate.

2. As regards the offence under Section 19(a), there is no evidence of manufacture and therefore conviction under that section is on the face of it totally unfounded. As regards the conviction under Section 19(f), previous sanction of the District Magistrate was not obtained, as it was necessary to do. 'KANHYA v. STATE', A I R 1951 Him P 35. The learned Government Advocate does not contend that that ruling does not apply to Bilaspur by reason of the provisions of S. 32(2) of Act XXXI (31) of 1861 having ever been applied to this State.

3. The reference is accepted and the conviction and sentence of Nizamuddin are set aside and he is acquitted. The fine, if already realised, shall be refunded to him.

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