

Bijay Kumar Singh Vs. State of Bihar

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Court : Patna

Decided On : Jul-29-2011

Judge : Amaresh Kumar Lal, J.

Acts : Arms Act - Sections 25(a), 26

Appeal No. : CRIMINAL REVISION No.303 of 2002

Appellant : Bijay Kumar Singh

Respondent : State of Bihar

Judgement :

1. The accused petitioner has preferred this revision application against the judgment and order dated 7.02.2002 passed by the learned Additional Sessions Judge, VII, Patna in Cr. Appeal No.110/1993 by which the conviction and sentence of the petitioner under Section 25 (a) and 26 of the Arms Act has been confirmed.

2. The prosecution case in brief is that on getting secret information, the informant raided the house of the accused petitioner and on seeing the raiding party, the accused started to run away after jumping through a window, but he was apprehended by the police and on his search in presence of two witnesses, a country made pistol and a live cartridge of 315 bore were recovered and seized from the waist of the petitioner. A seizure list was prepared and the accused petitioner was forwarded to custody and the police instituted the case under the Arms Act. After investigation, charge-sheet was submitted. Cognizance was taken

and after trial the petitioner was convicted under Sections 25 (a) and 26 of the Arms Act and sentenced to rigorous imprisonment for one year each and both the sentences to run concurrently vide order dated 21.05.1993 passed in G.R.No.3961/90, Trial No.253/93 arising out of Gardanibagh P.S. Case No.541/93. Against this order, the petitioner preferred Cr. Appeal No.110/93, which has been dismissed and the conviction and sentence imposed by the learned trial court has been confirmed.

3. Learned counsel for the State submits that there is concurrent finding by both the courts' below and the learned trial court has given the minimum punishment to the petitioner. This revision application is being disposed of without waiting for further time for the petitioner. It appears that the learned trial court has considered the evidence adduced on behalf of the prosecution. A loaded country made pistol has been recovered from the possession of the petitioner and the pistol and cartridge have been sent for the examination and it has been found that arms and cartridge were fit to be used. Learned appellate court has considered the evidence carefully and thereafter he has upheld the conviction and the sentence imposed by the learned trial court.

4. Considering the facts and circumstances as stated above, I do not find any ground to disagree with the concurrent finding of both the courts below. The sentence is also not excessive. Further, I do not find any ground to interfere with the impugned order. The bail granted vide order dated 22.04.2002 by this Court to the petitioner is hereby cancelled and the petitioner is directed to surrender before the learned trial court to serve out the sentence.

5. In the result, this petition is dismissed.

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