

PETITIONER:
HARNEK SINGH

Vs.

RESPONDENT:
STATE OF PUNJAB

DATE OF JUDGMENT: 12/11/1998

BENCH:
G.T. NANAVALI, S. RAJENDRA BABU.

ACT:

HEADNOTE:

JUDGMENT:

J U D G M E N T

Nanavati, J.

The appellant has been convicted by the Designated Court, Sangrur, under Section 25 of the Arms Act and Section 5 of the TADA Act as he was found in possession of one .22 bore pistol with 25 live cartridges. The Designated Court relying upon the evidence of Inspector Sant Kumar and ASI - Darshan Singh held that when the appellant was apprehended he was found in possession of the said pistol and the cartridges. As 10 cartridges were found loaded in the pistol, the Designated Court relying upon the decision dated 3.2.98 of this court in Kashmira Singh vs. State of Punjab in Criminal Appeal No. 228/97 and also the evidence of the said two witnesses held that the pistol was in working order. Therefore, even through the pistol and the cartridges were not sent to the armourer for test firing, the Designated Court thought it fit to convict the appellant for the said offences.

We have gone through the evidence of both these witness. Nothing was brought out in the cross-examination to create any doubt regarding the identity of the weapon. There was no cross-examination regarding working condition of the pistol. Considering the fact that the two Police Officers were competent enough to depose about the condition of the weapon and the circumstance that the pistol was loaded with cartridges, it can be said with reasonable certainty that it was in working condition.

We are therefore of the opinion that he was rightly convicted for possessing the said arm without a permit of licence. As he was found in a possession of a fire arm in the notified area, he was rightly convicted under the TADA ACT also.

For these reasons, appeal is dismissed.