

PETITIONER:
SUBHASH

Vs.

RESPONDENT:
STATE OF HARYANA

DATE OF JUDGMENT: 21/07/1998

BENCH:
G.T. NANAVATI, S.P. KURDUKAR

ACT:

HEADNOTE:

JUDGMENT:

J U D G M E N T

Nanavati, J.

The appellant is challenging his conviction under Section 25 of the Arms Act read with Section 5 of the TADA Act.

The Designated Court believed the evidence of Ganga Ram, the Investigator and held that the appellant possessed a country made pistol and three live cartridges.

The State has not thought it fit to prepare the paper-books containing evidence in this case. Therefore, neither the learned counsel for the State nor the learned counsel for the appellant was in a position to render any assistance to us.

We have ourselves gone through the evidence of the three eye eye-witnesses. We find that in view of what Nathu Ram stated before the court, the evidence of Ganga Ram ought not to have been accepted by the Court and it ought not to have been held that the accused was found in possession of the weapon and three cartridges which were sent for examination to Forensic Science laboratory, Karnal.

We, therefore, allow this appeal, set aside the conviction of the appellant and acquit him of the offence with which he was charged.