

State of Punjab

Vs

Charanjit Singh

Criminal Appeal No. 123 of 1991

(P. N. Singh, K. Jayachandra Reddy JJ)

20.04.1993

ORDER

1. This appeal is filed by the State of Punjab. The respondent was tried for offence punishable under 25 of the Arms Act read with Section 5 of the TADA Act. The prosecution case is that on April 28, 1988, the Head Constable, along with other police officials as a party, headed by the A.S.I. were moving about and there was an encounter during which it is alleged that the respondent was apprehended and on search the police recovered one AK-47 rifle and some cartridges. The designated court acquitted after examining the evidence on record. At one stage, the court pointed out that in a case of this nature, it would have been better if some independent witnesses would have been examined. It is against that finding that the present appeal is filed.

2. It has been held in a number of cases that in a case of this nature, independent witnesses need not be there and even evidence of official witnesses can be relied upon provided it inspires confidence. In the instant case, the lower court has pointed out certain other circumstances also. The view taken by the court below cannot be said to be unreasonable. The criminal appeal is dismissed accordingly.

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