

Ajaib Singh

Vs

State of Punjab

(G. T. Nanavati, B. N. Kirpal JJ)

26.11.1997

JUDGMENT

NANAVATI, J.

1.The appellant has filed this appeal against the judgment and order of the Addl. Judge, Designated Court, Sangrur in Special Sessions Case No. 84 of 1989.

2.During the nakabandi, police noticed the appellant moving in suspicious circumstances. On personal search, the appellant was found carrying one .32 bore revolver which was in working order. It was found loaded with one empty cartridge and five live cartridges. He was, therefore, prosecuted for the offence punishable under Section 25 of the Arms Act read with Section 5 of the TADA Act.

3.In order to prove its case, the prosecution examined the Investigating Officer -Joginder Singh, who was then an Inspector of Police and PW.2-Karnail Singh, who was one of the recovery witnesses. Joginder Singh in his evidence stated that the said revolver was found from the person of the appellant and on examination it was found in working order. He also deposed that an attempt was made to procure attendance of two independent witnesses at the time of search and seizure but they were not available. He is fully supported by the evidence of PW.2-Karnail Singh.

4.We do not find any infirmity in their evidence. It is difficult to believe that the police could have planted a revolver, as submitted by the learned counsel for the appellant. We have also no reason to doubt competence of the Investigation Officer to depose about the condition of the revolver.

5.In our opinion, the trial court rightly convicted the appellant under Section 25 of the Arms Act read with Section 5 of the TADA Act. The sentence imposed upon the appellant also appears to us reasonable.

6.The appeal is, therefore, dismissed.