

SUPREME COURT OF INDIA

Kaka Singh

Vs.

State of Punjab

(G.T.Nanavati and S.N.Phukan JJ.)

05.05.1999

JUDGMENT:

NANAVATI.J.

On 14.5.92, Inspector Sohan Singh alongwith other police personnel was on patrolling duty. While he was about three furlongs away from village Barnala and was proceeding towards village Nangal Kalan, he saw one person going on foot. On seeing the police, he tried to hide something which he was holding in his arms. This conduct made Sohan Singh suspicious and, therefore, he went near him, searched him and found that he was carrying a single barrel rifle. As the appellant did not have any licence for possessing a fire-arm and live cartidges, he came to be challenged and then prosecuted for the offences punishable under Section 5 of the TADA Act and Section 25 of the Arms Act.

The prosecution examined Sohan Singh _ PW 3 to prove its case and also supported the charge by examining other witnesses. The Designated Court believed the evidence of PW 3 and convicted the appellant.

We have gone through the evidence of PW 3 - Sohan Singh and we do not find any reason to disbelieve his version. The rifle had No.68830 written on it. Some words written on the butt were also noticed. Some words written on the butt were also noticed. Some slogans were also written on the butt of the rifle. All these details were mentioned by Inspector Sohan Singh in the FIR and also in the recovery memo. Thus there can be no doubt that the rifle which was produced before the court was the one recovered from the appellant. As the appellant was proved to have possessed a rifle and cartidges without a licence, in the notified area, his conviction under Section 25 of the Arms Act and Section 5 of the TADA Act is quite proper.

The appeal is, therefore, dismissed.