

**SUPREME COURT OF INDIA**

State of Maharashtra

Vs.

Girish Ghanshyam Dube

(K.T. Thomas and R.C. Lahoti JJ.)

27.04.2000

**ORDER**

**K.T. THOMAS, J.**

1. This appeal is against an order of acquittal passed by a Designated Court for the offence under Section 5 of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (hereinafter referred to as the TADA) and certain other offences under the Arms Act. Appeal is at the instance of the State. The nub of the case against the Respondent is that a firearm was recovered from the cupboard of a room on the strength of the information elicited from the Respondent on 14.9.1990. A portion of the such information which possibly be admitted is the following :

I will point out the place where I have kept that rifle and the cartridges, accompany me.

2. The Designated Court was inclined to believe the fact that the police officer who recorded the said information would have stopped eliciting from the accused anything regarding the spot where the weapon was kept, or at least the place where the spot is located, or at least some other idea regarding the place of such concealment of the weapon. The Designated Court further pointed out that from the very same place a similar weapon was recovered just a couple of days ago pursuant to the information elicited from another accused by the very same police officer. On the above broad aspects the Designated Court found it difficult to place reliance on the recovery as pursuant to the information allegedly made by the accused. A doubt has been entertained when the investigating officer recovered firearm from the very same place two days earlier he would have left the place without making a detailed search at all.

3. Various other reasons stated by the trial court cannot be dubbed as unreasonable. At any rate the Court of Appeal cannot interfere with an order of acquittal upholding that the said reasons are so unreasonable.

4. Accordingly, we dismiss this appeal.