

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 1003 of 2016

Chandrika Paswan, son of Ram Payare Paswan, Resident of
Village – Rampur, P.O. and P.S. – Majhiaaw, District – Garhwa.

.... **Petitioner**

Versus

The State of Jharkhand

.... **Opp. Party**

Coram: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner : Mr. A.K. Chaturvedy, Advocate.

For the State : Mr. Bhola Nath Ojha, Spl.P.P.

JUDGMENT

Dated- 04.08.2026

By Court:- Heard learned counsel for the petitioner and learned Spl.P.P.
appearing for the State.

2. The instant criminal revision is directed against the judgment dated 30.01.2013 passed by learned Additional Sessions Judge-I, Garhwa in Criminal Appeal No. 10 of 2009, whereby and whereunder learned appellate court has dismissed the appeal by affirming the judgment of conviction and order of sentence dated 06.01.2009 passed by learned Sub Divisional Judicial Magistrate, Garhwa in G.R. No. 579 of 2006 / T.R. No. 906 of 2006, whereby the learned trial court has found the petitioner guilty for the offence punishable under Sections 25(1-B)a / 35 and 26/ 35 of the Arms Act and sentenced to undergo simple imprisonment for three years and fine of Rs. 2,000/- for the offence under Section

25(1-B)a/35 of the Arms Act and further sentenced to undergo rigorous imprisonment for three years and fine of Rs. 2,000/- for the offence under Section 26/35 of the Arms Act with default stipulation.

3. Factual matrix giving rise to this revision as depicted from the self-statement of the then Officer-in-Charge, Majhiaon P.S. namely, S.I. T. N. Singh is that on confidential informant, he along with other armed forces on 17.06.2006 at about 9:30 A.M. raided at Village – Ranitali. The raid was being conducted in pursuance of order of the S.P., Garhwa led by Shri C.K. Mitra, the then police inspector. The informant along with other armed forces surrounded the Village Ranitali including Dongaha Hill situated near to south eastern and western direction of the village. Thereafter, he saw that 5-6 persons fleeing towards the forest, coming out from hill after seeing police raid party. Thereafter, members of raiding party chased them, but out of them only one miscreant was caught by the police, while 5 miscreants succeeded to flee away taking benefit of bushes and forest grown near the hill. This accused had told the police that he along with other persons, was manufacturing fire arms in a cave upon the hill. On his information and on the identification of place by the accused, police party seized one country made rifle, barrel of pistol and

several other articles for manufacturing the fire arms. The seizure list was prepared there and all the recovered articles were seized by the police. The accused and seized articles were brought to the police station.

4. On the basis of self-statement of informant, Majhiaon P.S. Case No. 78/2006 dated 17.06.2006 under Section 25(1-AA), 26, 29, 35 of the Arms Act was registered.

5. After completion of investigation, charge sheet was submitted against the above-named petitioner for the offence under Section 25(1-AA), 26, 29, 35 of the Arms Act. Thereafter, the learned trial court took cognizance of the offence and vide order dated 21.04.2007, charges were framed against the petitioner for the offence under Sections 25(1-B)a/35, 26/35 and 29/35 of the Arms Act.

6. In the course of trial, altogether 11 witnesses were examined by the prosecution. Apart from oral evidence, several documentary evidences were also adduced.

7. After conclusion of prosecution evidence, statement of accused under Section 313 was recorded. The case of defence is of false implication.

8. After conclusion of trial, the learned trial court found and held the petitioner guilty for the offence under Section 25(1-B)a/35 and 26 / 35 of the Arms Act and sentenced him, as stated above.

9. The aforesaid judgment of conviction and order of sentence passed by learned Trial Court was challenged by the petitioner in Criminal Appeal No. 10/2009 before the learned appellate court, but the same has been dismissed, which has been assailed in this revision.

10. Learned counsel for the petitioner, without touching the merit of the judgment, confined himself towards quantum of sentence awarded to the petitioner for the offence under Section 25(1-B)a/35 and 26 / 35 of the Arms Act. It is submitted that out of three years sentence, the petitioner has already undergone custody of 01 year and 09 months. More than 20 years have been elapsed from the date of alleged occurrence. Therefore, imprisonment already undergone by the petitioner would meet the ends of justice in this case, instead of undergoing further imprisonment awarded by the learned trial court. Therefore, this revision may be disposed of with modification in sentence.

11. Learned Spl.P.P. appearing for the State has submitted that the learned trial court has taken into consideration the overall

materials and passed the reasoned order, which suffers from no illegality or infirmity calling for any interference. This revision is devoid of merits and fit to be dismissed.

12. I have gone through the impugned judgment passed by the learned trial court as well as learned appellate court.

13. It appears from perusal of record that learned trial court as well as appellate court has minutely discussed the evidence and rightly held the petitioner guilty. Learned counsel for the petitioner without touching the merit of the case has confined himself towards only to the quantum of sentence of petitioner, therefore, impugned judgment of conviction as passed the trial court and upheld by the appellate court is hereby affirmed.

14. So far sentence of the petitioner is concerned, it appears that the occurrence is of the year 2006 and more than two decades have elapsed. The petitioner has sustained agony of trial for the aforesaid period and also sustained substantial period of sentence.

15. Under the aforementioned circumstances, in the interest of justice, the imprisonment already undergone appears to be sufficient punishment for the offence committed by him.

16. In view of discussions and reasons, this revision is **dismissed on merits with modification in sentence** to the extent mentioned

above i.e. petitioner is sentenced to undergo imprisonment for the period already undergone by him.

17. The petitioner is on bail. As such, he is discharged from the liability of bail bonds and sureties shall also discharged.

18. Pending I.A. if any stands disposed of.

19. Let a copy of this judgment along with trial court record be sent to the court concerned for information and needful.

(Pradeep Kumar Srivastava, J.)

Jharkhand High Court, Ranchi

Dated : 04/08/2026

Sunil/-NAFR

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