

**HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU**

Cr1 R No. 48/2019
Cr1M No. 995/2019

Pronounced on:- 4th.06.2020

State of J&K

....Petitioner(s)

Through: Mr. Amit Gupta, AAG

vs.

Ranjit Singh alias Billa

....Respondent(s)

Through: Mr. Sunil Sethi, Sr. Advocate with
Mr. Parvinder Singh, Advocate

CORAM: HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE

JUDGMENT

1. This Criminal Revision Petition is filed against the order dated 17.12.2018 passed by the Court of learned Additional Sessions Judge, Jammu in case titled, 'State v/s Ranjit Singh and another'.
2. The only ground on which this revision petition is filed is that the Trial Court had wrongly discharged the accused under section 3/25 of the Arms Act vide order dated 17.12.2018, while framing the charge under section 302 RPC, against the accused. The charges framed by the Trial Court is self-speaking.
3. The accused has been charged for having committed the murder on 07.11.2017 by firing from a licensed revolver. It is thus the use of licensed weapon for committing the offence of murder. The number of accused in this case are two, one out of them has absconded. The weapon has been fired by the accused against whom charge under section 302 RPC have been framed.

4. The sanction for filing this revision petition has been given by the Law Department without any application of mind, because the offence is punishable under section 25 of the Arms Act only when the weapon used is not licensed, punishment is only in case of illegal possession of weapon and not against the use of a licensed weapon. The learned Additional Sessions Judge was, therefore, right in not charging the accused under section 3/25 of the Arms Act.
5. It is also not correct to say that the order of discharge of the accused-Ranjit Singh under section 3/25 of the Arms Act is not justified because it is a licensed weapon used in the commission of offence which stands in the name of Ranjit Singh. No more reason was required while framing the charge because the charge is that, he had fired from the licensed gun and this is sufficient to hold that offence under section 3/25 of the Arms Act is not made out.
6. In view of the aforesaid, this Criminal Revision petition is dismissed, along with CrIM No. 995/2019.

(Sindhu Sharma)
Judge

Jammu
4th.06.2020
SUNIL-II

Whether the order is speaking:	Yes
Whether the order is reportable:	Yes/No