

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).1441/2006

(From the judgement and order dated 18/01/2006 in CRLA No. 70-SB/1994 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

GURNAM SINGH

Petitioner(s)

VERSUS

STATE OF PUNJAB

Respondent(s)

(With appln(s) for permission to place addl. documents on record,interim d irections and office report)

Date: 12/02/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA
HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Petitioner(s)

Ms. Manmeet Arora, Adv.
Ms. Kavita Wadia,Adv.

For Respondent(s)

Mr. Arun K. Sinha,Adv.
Mr. Mukesh Kumar Sinha, Adv.
Mr. Rakesh Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

Heard, Ms. Manmeet Arora, learned counsel appearing for the appellant.

The appeal is allowed in terms of the signed order.

(PAWAN KUMAR)
ANAND SINGH)

COURT MASTER

COURT MASTER

(signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 197 OF 2007

(arising out of SLP(CRL.)Nos.1441 of 2006)

GURNAM SINGH

... APPELLANT

VERSUS

STATE OF PUNJAB

...

RESPONDENTS

O R D E R

Leave granted.

Heard Ms. Manmeet Arora, learned counsel appearing for the  
appellant.

In an unfortunate incident the appellant who is stated to be

of 86 years old stated to have caused grievous injury on the person

rt Bachitter Singh by using his licensed .315 bore rifle. The trial cou

recorded the conviction under Section 326 IPC and sentenced him to RI

for three years and he was also convicted under Section 27 of the Arms

Act. On appeal by him the High Court reduced the sentence to the period

already undergone by the appellant but directed that the weapon of

he offence which was used for an unlawful purposes be confiscated to t

State. Aggrieved thereby, this appeal has been filed.

Learned counsel for the appellant contended that the

appellant is now 86 years old and no useful purpose would be served to

retain the rifle. But if the rifle is released to him he would sell the same

to the licensed arms dealer and the amount would be used by the

appellant in defraying his medical expenses who is now suffering from

many ailment on the ground of old age. We find reasonable force in this

contention of the learned counsel for the appellant. Accordingly, the

order of the High Court of confiscating the weapon of offence namely .

315 bore rifle bearing No.AB-793257 is set aside. We direct that the

said rifle may be released to the appellant under a condition that h  
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shall not use the same but he will be entitled to sell the same to  
a

licensed arms dealer. The appellant shall file necessary undertaking in

this regard before the trial court. The licensed rifle shall be handed over

to the appellant within three weeks after undertaking by the appellant is

filed.

The appeal is allowed accordingly.

.....J.

.....

( H.K. SEMA )

.....J.

( B.SUDERSHAN REDDY )

NEW DELHI ,

FEBRUARY 12, 2007.