

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO.989 OF 2001@@  
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Jasbir Singh @ Marru Appellant(s)

VERSUS

State of Punjab Respondent(s)

(With appln. for bail)

DATE : 19-2-2002: This matter was called on for hearing today.@@  
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CORAM:

HON'BLE MR. JUSTICE U.C. BANERJEE  
HON'BLE MR. JUSTICE P.VENKATARAMA REDDI

For Appellant(s): Mr. T.N. Singh, Adv.

For Respondent(s): Mr. Satinder S. Gulati, Adv.,  
Mrs. Kamaldeep Guladi, Adv.

UPON hearing counsel the Court made the following  
O R D E R

.....L.....I.....T.....T.....T.....T.....T..J.  
.SP2

Heard Mr. T.N. Singh, learned counsel for the  
appellant and Mr. Sainder S. Gulati, learned counsel for  
the respondent from 2.20 p.m. to 2.50 p.m.  
The appeal is dismissed in terms of the signed order.

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(R.K. Dhawan) (D.D. Jindal)  
Court Master Assistant Registrar

(Signed order is placed on the file ~

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IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.989 OF 2001@@  
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Jasbir Singh @ Marru Appellant(s)

versus

State of Punjab Respondent(s)

.....L.....I.....T.....T.....T.....T.....T.....J  
.SP2

This appeal arises against the Judgment and Order of TADA Court which has come to a definite finding of involvement of the appellant herein and sentenced the accused Jasbir Singh @ Marru to undergo rigorous imprisonment for five years and to pay fine of Rs.1000/- under Section 5 of the TADA Act read with Section 25 of the Arms Act, 1959.

The prosecution case proceeds in the manner that on 16th January, 1993, Inspector Satpal alongwith SI Kuldeep Singh, HC Tej Singh and some other police officials were present near the culvert of canal minor of village Ganda Kheri in connection with patrolling and nakabandi. At about 5.30/6.00 in the morning, three persons were seen coming on Hero Honda motorcycle without bearing any number from the side of the bank of the canal. On suspicion, however, the Inspector Satpal stopped them. On enquiry, they gave out their names and addresses. Jasbir Singh @ Marru accused was driving the  
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motorcycle while two other persons were the pillions and on search being taken one .303 bore country made pistol loaded with a live cartridge was recovered from the right pocket from his trouser and four more live cartridges were found from the right back pocket of his trouser. The recoveries were effected from the person of the accused persons and the latter having failed to produce any valid licence for the possession of the said pistol and the cartridges, the same were seized. Rough sketch was prepared and the pistol and cartridges together with the motorcycle were taken into possession. On these facts the appellants were charged for under Section 25 of the Arms Act, 1959 read with Section 5 of the Terrorists and Disruptive Activities (Prevention) Act, 1987.

The appellants pleaded not guilty and claimed trial in the Designated Court which took cognizance of the offence, recorded the statements of police officials who narrated the version of the prosecution on the state of affairs as noticed herein before. The Designated Court, however, placed reliance on the evidence of the witnesses who were examined in support of the prosecution case on the charge as noticed above.

The learned advocate in support of the appeal rather strongly contended that since the weapon has not been sent for ballistic examination, it cannot be said  
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that the pistol was in working condition and the cartridges were live. As such the trial has been rendered a total farcical show. Undisputably, the evidence as is disclosed available on record, however, shows that the pistol was in order and admittedly without any manner of doubt. The five other live cartridges were also available on the person of the accused.

The factum of the recovery of the weapon and availability of five live cartridges and the further evidence on record that the weapon is otherwise in working condition has been strongly relied on by the TADA Court and we find no justification to intervene with such an assessment of the situation by the TADA Court. The fact remains that the Live Cartridges were recovered from

appellant to which there is no cross examination speaks volumes in the matter.

Considering the fact that two police officers deposed that the pistol was loaded with live cartridge, it can be said with reasonable certainty that the same was in working condition and it is in this context reliance on a decision of this Court rendered by a three-Judge Bench in Kashmira Singh vs. State of Punjab@@

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(1999) 1 SCC 130, seems to be very apposite.

Thus, the prosecution, in our view, has been able to bring home the charges against the appellant. There ...4/-

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is, thus, no scope for intervention by this Court in the appeal. The appeal, therefore, fails and is dismissed accordingly.

.SP1

.....J.  
(U.C.BANERJEE)

.....J.  
(P.VENKATARAMA REDDI)

New Delhi,  
February 19, 2002