

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Revision No. 1150 of 2014

Lakhi Pado Mahto @ Langari @ Nagari son of Abhilesh Mahto
Resident of Mandir Tola, P.O. Ichhapur, P.S. RIT, Dist. Saraikella-
Kharsawan Petitioner

Versus

The State of Jharkhand Opp. Party

CORAM: HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Petitioner : Ms. Rishi Bharati (Amicus)

Mr. Vikash Kumar, Advocate

For the State : Mr. Sanjay Kumar Srivastava, Advocate

Through Video Conferencing

16/29.06.2020

1. Heard Mr. Vikas Kumar, learned counsel appearing on behalf of the petitioner along with Ms. Rishi Bharti, Amicus appointed by this court vide order dated 28.02.2020.
2. Heard Mr. Sanjay Kumar Srivastava, learned counsel appearing on behalf of the opposite party-State.
3. As per order dated 11.05.2015, the present case was directed to be heard on the limited issue of sentence only and not on merit.
4. Learned counsel for the petitioner during the course of argument have stated that the petitioner has been convicted under Section 25(1-b)A and 26 of the Arms Act and sentenced for 2 ½ years with fine of Rs. 1000/- and Rs. 500/-. The sentence has been confirmed by the learned Appellate court. Learned counsel for the petitioner has also submitted that the seizure list witnesses had turned hostile in as much as they have stated that their signatures were taken on blank sheets but they do not dispute the fact that seizure list contained their signature. Learned counsel for the petitioner has also submitted that seizure list witnesses have also stated that no seizure has been made in front of them. Learned counsel has

submitted that the petitioner has remained in custody for more than 13 months right from 07.04.2010 to 10.01.2014 and thereafter from 05.01.2015 to 11.05.2015. They have also stated that the petitioner does not have any criminal antecedent and a country made pistol with two live cartridges were recovered from the possession. The present age of the petitioner is 34 years. Learned counsel has also submitted that the case was instituted as back as in the year 2010 and accordingly the petitioner has faced the criminal case for more than 10 years. Learned counsel has relied upon a judgment passed by this court in the case of Tapan Mahto versus The State of Jharkhand (Cr. Revision No. 462 of 2008) and one Firoz Ravidas @ Firoj Das versus the State of Jharkhand (Cr. Revision No. 269 of 2008). Learned Amicus has relied upon a judgment passed by the Hon'ble Madhya Pradesh High Court in the case of Tula Ram versus State of Madhya Pradesh.

5. Learned counsel appearing on behalf of the opposite party has submitted that considering the nature of offence no lenient view may be taken by this court. He has also submitted that there is no scope of argument of the case on merit in as much as the case was itself admitted on the point of sentence. Learned counsel has also submitted that the petitioner was apprehended on chase and recovery was made from his possession and the seizure was supported by other witnesses. There is no material on record to suggest any reason for the police personnel to falsely implicate the petitioner. He submits that this submission has been made without prejudice to the contention that there is no scope of argument on the case on merit.
6. Post this case on 01.07.2020 for Final Disposal.

(Anubha Rawat Choudhary, J.)