

**IN THE COURT OF
THE CHIEF JUDICIAL MAGISTRATE::BAKSA
Case No. : PRC-37/18
Under Section: 25(1-B)(a) Arms Act.**

**Present: - Smti. D. Boro, AJS,
Chief Judicial Magistrate, Baksa.**

The State of Assam.....Prosecution.

-Vs-

Suleman Bilung

Puljan Bilung.....Accused Persons.

Evidence recorded on :- 04-04-2019, 06-08-2019,
24-09-2019, 03-12-2021,
08-09-2022.

Argument heard on :- 21-10-2022

Judgment delivered on :- 04-11-2022

Advocate Appeared :-

Mr. Ranjit Basumatary.....APP for the State of Assam.

Mr. Nirmal Rajbongshi.....Advocate for the accused persons.

J U D G M E N T

The prosecution story in brief is that on 10-07-2017 informant Hbl Sub- Suresh Yadab, Unit- 15 JAT lodged an FIR before O/C,

Mushalpur PS to the effect that on specific information received from own sources, a specific cordon and search operation was launched by the troops of 15 JAT Bn. along with the representative of Nikashi OP at 11.40 AM of 10-07-2017 at village Bhutan Kuti (Shimala Basti). Accused Suleman Bilung and Puljan Bilung were taken into custody and 3 (three) numbers of single barrel gun were recovered from them. The accused persons are handed over to Mushalpur PS.

On receiving the FIR, Mushalpur PS Case No. 70/17, u/s 25(1-A) Arms Act was registered against the accused persons and after completion of investigation charge-sheet was submitted against the accused persons U/s 25(1-b) Arms Act.

Charge U/s 25(1-B)(a) Arms Act was framed against the accused persons and contents of the charge under the said section were read over and explained to the accused persons to which the accused persons pleaded not guilty and claimed to be tried.

The prosecution examined 5 (five) nos. of witnesses and 1 (one) court witness. The defence examined none.

The accused persons are examined u/s 313 Cr.P.C. The accused persons have declined to adduce evidence.

I have heard argument of the learned A.P.P. as well as the learned defence counsel and perused all the relevant documents available on record.

POINTS FOR DETERMINATION:-

1. Whether the accused persons had in their possession any ammunition in contravention of section 3 of the Arms Act?

DISCUSSION, REASONS AND DECISION:

POINT NO. 1:

The prosecution has examined five numbers of witnesses. PW1 Chabilal Chetry does not know about the alleged occurrence. PW2 Birju @ Albert Baral said that he saw the police arresting the accused persons. He has no idea why police arrested them. PW3 Jewel Minse also said like PW2. PW4 Suresh Kerkata said that he heard that police had apprehended the accused persons. CW1 Rajesh Bilung said that about 4/5 years ago, both accused persons were taken to police station on allegation of recovery of arms. Ext 1 is seizure list. In cross-examination, CW1 said that he was asked to sign on blank paper.

I find that there is no evidence that any arm was recovered from the accused persons. Although the prosecution had examined seizure witness CW1 Rajesh Bilung, but his evidence is of no help to the prosecution. There is lack of sufficient evidence against the accused persons.

From the above discussions, I find that it is not proved that the accused persons had in their possession any ammunition in

contravention of section 3 of the Arms Act. So, the accused persons cannot be held guilty u/s 25(1-B)(a) Arms Act.

From the above discussions, I am of the considered opinion that the prosecution has failed to prove the guilt of the accused persons beyond reasonable doubt U/s 25(1-B)(a) Arms Act. So, I acquit accused persons viz. Suleman Bilung and Puljan Bilung of the charge U/s 25(1-B)(a) Arms Act and are set at liberty.

Given under my hand and seal of this Court this 4th day of November, 2022.

Typed by me—

D. Boro
CJM, Baksa

D. Boro
CJM, Baksa

APENDIX

PROSECUTION EXHIBITS:

- Ext.1- Seizure list.
- Ext.2- FIR.
- Ext.3- Sketch map.
- Ext.4- Charge-sheet.
- Ext.5- FSL Report

DEFENCE EXHIBITS: NIL.

EXHIBITS PRODUCED BY WITNESSES: NIL.

COURT EXHIBITS: NIL.

PROSECUTION WITNESSES :

- PW1- Chabilal Chetry.
- PW2- Birju @ Albert Baral.
- PW3- Jewel Minse.
- PW4- Suresh Kerkata.
- PW5- SI Bishnu Basumatary.

DEFENCE WITNESSES : NIL.

COURT WITNESSES:

- CW1- Rajesh Bilung.