

ITEM NO.5

COURT NO.3

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No. 12831/2022

(Arising out of impugned final judgment and order dated 01-06-2022 in CRMBA No. 15638/2019 passed by the High Court of Judicature at Allahabad)

RAJENDRA SINGH

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

(and I.R.

(With IA No. 185927/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 185926/2022 - EXEMPTION FROM FILING O.T. and IA No. 185924/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 13-02-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.M. JOSEPH
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s)

Mr. Rohit Kumar Singh, AOR
Mr. Shivam Sharma, Adv.
Mr. Rupal Luthra, Adv.
Mr. Ravindra Vikram, Adv.
Mr. Rana Prashant, Adv.

For Respondent(s)

Mr. Sarvesh Singh Baghel, AOR

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

Learned counsel for the respondent would submit that 12 witnesses out of 15 have already been examined and only three remain. He would seek time, however, to find out whether any of the witnesses has given evidence about the involvement of the petitioner in the incident and if so, in

what manner.

List the matter on 28th February, 2023.

Petitioners will be at liberty to file rejoinder in the meantime.

It is again one of those cases where we find that according to the prosecution case, an unlicensed fire arm was used in commission of the offence involving Section 302 IPC also. We have come across cases where there is this phenomenon of use of unlicensed fire arms in the commission of serious offences and this is very disturbing.

Unlike the Constitution of the United States where the right to bear fire arms is a fundamental freedom, in the wisdom of our founding fathers, no such right has been conferred on anyone under the Constitution of India. The matter relating to regulation of fire arms is governed by Statute, viz., Arms Act, 1959, *inter alia*.

It is of the greatest significance to preserve the life of all, that resort must not be made to unlicensed fire arms. In particular, if unlicensed fire arms are freely used, this will sound the death knell of rule of law.

We deem it appropriate, therefore, to make use of this case to ascertain and do whatever may be necessary so that the problem of unlicensed fire arms are firmly dealt with by the authorities.

The respondent-State will, accordingly, place an

affidavit before this Court as to the number of cases it has registered under the Arms Act or under any other law enabling it to do so for the possession and use or any other aspect relating to unlicensed fire arms. Such an affidavit shall be filed within a period of four weeks from today. The affidavit will be sworn to by the Director General of Police of the respondent-State. The affidavit also will indicate the steps taken by the respondent-State towards rooting out the evil of unlicensed fire arms.

(NIDHI AHUJA)
AR-cum-PS

(RENU KAPOOR)
ASSISTANT REGISTRAR