

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 36043 of 2012

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Dilip Kumar Singh, Son of Ram Janam Singh, resident of Village: Sabar,
Police Station: Karamchat, District : Kaimur at Bhabhua.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh

For the Opposite Party/s : Mr. Pushpa Sinha-2(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5. 09-04-2015 Heard learned counsel for the petitioner and learned
Addl. Public Prosecutor.

The petitioner, invoking inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, has prayed for quashing of an order dated 10-07-2012 passed by the learned Adhoc Additional Sessions Judge – V, Kaimur at Bhabhua (in short “Addl. Sessions Judge”) in Sessions Trial No. 20 of 2012. By the said order, learned Addl. Sessions Judge has refused the prayer of the petitioner for release of his licensee rifle, bearing no. A.B.09-02699.315 N.P.Bore Rifle.

Learned counsel for the petitioner submits that the said rifle of the petitioner was seized in connection with a case registered against the petitioner, vide Karamchat P.S. Case No. 07 of 2011 registered for offence under Sections 353, 504, 307 of the

Indian Penal Code and 27 of the Arms Act, 1959.

In this case, by filing supplementary affidavit, it has been indicated that the seized rifle was a licensee rifle and till date the licence has not been cancelled by any authority.

At the time of hearing, learned counsel for the petitioner has produced certified copy of an order dated 11-09-2014 passed in S.T. No. 20 of 2012/169 of 2014 and submits that the criminal case, which was instituted against the petitioner vide aforesaid sessions trial, has already come to an end and in view of Section 232 of the Cr.P.C. in absence of any evidence the petitioner has already been discharged. It has been argued that since criminal case has already come to an end and licence of the rifle has not been cancelled till date, the petitioner is entitled to get release of the said rifle in his favour.

Accordingly, in view of facts & circumstances, the order dated 10-07-2012 passed by the learned Adhoc Additional Sessions Judge – V, Kaimur at Bhabhua in Sessions Trial No. 20 of 2012 is, hereby, set aside.

The petitioner may file appropriate petition before the concerned court regarding release of the rifle. If such petition is filed, the learned court below may examine the same and pass appropriate order in accordance with law without any delay.

The petition stands allowed.

(Rakesh Kumar, J.)

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