

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Crl.P. No.6013 of 2015

ORDER :

Heard learned counsel for the petitioner/ accused No.1 and 1st respondent—State before admission and perused the material on record.

2) There are no grounds to admit the said impugned order of the learned Sessions Judge passed in Crl.R.P. No.378 of 2013 in confirming the order of the learned Magistrate in Crl.M.P. No.3834 of 2013 in Crime No.46 of 2012 of Ramagopalpeta Police Station. It is needless to say subsequently police filed charge sheet and the case is committed to the Court of Sessions under Section 190 Cr.P.C read with 209 Cr.P.C by the learned Magistrate and learned Sessions Judge having taken cognizance of the offence under Section 193 Cr.P.C, heard the prosecution and the accused and framed the charges under Section 228 Cr.P.C. Needless to say among the charges by the learned Sessions Judge, there is no charge under any of the provisions of the Arms Act, 1959 much less under Section 30 of Arms Act but for under Sections 302, 364, 404 (sic) wrongly mentioned as 405, 182, 201 and 120-B IPC. Thus, the remedy of the petitioner is to file a fresh application before the learned trial Judge, if at all the weapon is to be entitled to get interim custody pending trial. Needless to observe, any bar under Section 195 Cr.P.C for the charge

under Section 182 IPC, remedy given to move the trial Judge by application under Section 216 Cr.P.C to delete or modify the charge.

3) Accordingly, the Criminal Petition is disposed of.

4) Miscellaneous petitions, if any pending in this Criminal Petition, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

09.07.2015
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HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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