

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 16136 of 2012

Order:

The petitioner states that he was selected as SEPOY in the year 2004. While working in the Army a licence was issued on 16.06.2010 by the Udhampur District Magistrate-cum-District Collector, permitting him to purchase, keep and carry weapon all over India. He purchased double barrel gun and cartridge in the year 2010 in Jammu and licence was valid up to 04.06.2013. While availing leave during the year 2010 he visited his village Khajipet and the opponents of his father filed a false case under Sections 363, 323 read with 34 IPC in Crime No.143 of 2010. The said crime was dismissed after filing charge sheet on 23.05.2011. In connection with the said crime the police seized one double barrel gun, five cartridges and licence of the gun, but on the application of the petitioner the concerned Court ordered for release of the said items. Accordingly, as per the court orders they were returned for his interim custody. However, in August 2011 the second respondent forcibly took the same, even though he has got All India Licence up to 04.06.2013. This Writ Petition was filed challenging the action of the respondents in not returning/releasing the illegally seized double barrel gun, cartridges to the petitioner which were seized in the first week of August 2011.

2. A counter affidavit is filed by the second respondent stating that the petitioner was acquitted in CC No.260 of 2010, dated 23.05.2011. On filing a petition by the petitioner the seized weapon was released to the petitioner in Crl.MP No.1888 of 2010 in CC No.260 of 2010, dated 23.08.2010. The allegation that the same were taken by the second respondent in the first week of August 2011 after acquittal in the criminal case was denied.

3. A counter affidavit is filed by the third respondent also to the same effect. A reply affidavit is filed by the petitioner stating that the said weapons are lying in the Khajipet police station.

4. The counter affidavit and reply affidavit were filed in the year 2012 and

the licence for the weapon expired on 04.06.2013. In view of denial by the second respondent, this Court cannot give any direction as sought for by the petitioner in the present Writ Petition.

5. Admittedly, the petitioner is working as SEPOY in Army and, if the allegation of the petitioner is correct, he can take appropriate steps in accordance with law by giving complaint to the Superintendent of Police of YSR Kadapa District through the Army authorities. Giving such liberty to the petitioner, the Writ Petition is disposed of. There shall be no order as to costs.

6. As a sequel thereto, the miscellaneous applications, if any, pending in this Writ Petition shall stand closed.

A.
Date: 04.04.2016
Nsr

RAMALINGESWARA RAO, J