

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL APPEAL No.1086 OF 2015

ORDER:

The appellant has preferred the present criminal appeal being aggrieved by the order dated 19.06.2015 passed in CrI.M.P.No.33 of 2015 in S.C. No.458 of 2011 on the file of the Assistant Sessions Judge at Khammam, whereby the Court below dismissed the application of the appellant seeking to release of the weapon, i.e., 0.22 Scope Rifle.

Heard and perused the material available on record.

Learned counsel for the appellant submits that the Court below acquitted the appellant herein for the offence under Section 25(i)(a) of the Indian Arms Act and Sections 44(1)(a) and 5(i) of the Wild Life Protection Act, by Judgment dated 12.03.2012 passed in S.C.No.458 of 2011. However, the Court below erroneously did not pass any order for release of the weapon, i.e., 0.22 Scope Rifle belonging to the appellant. Aggrieved thereby, the appellant herein has filed an application for release of the weapon and the same is dismissed by the Court below. He further submits that the appellant is the owner of the said weapon and that he is also having licence to hold the said weapon and as such, seeks a direction for release of the weapon.

Considering the facts and circumstances of the case, the Court below is directed to release the weapon i.e., 0.22 Scope Rifle to the appellant herein subject to production of relevant documents to substantiate that the appellant is the owner of the said weapon and that he has a licence to hold the said weapon. The appellant is also directed to execute a bond for a sum of Rs.10,000/- with one surety to the satisfaction of the Magistrate concerned.

The Criminal Appeal is accordingly disposed of. Consequently, the miscellaneous petitions filed in this appeal, if any, shall stand closed.

JUSTICE RAJA ELANGO

10.08.2016
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