



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASH

W.P.(MD) No.24822 of 2016

P.Pon Selvaraj

... Petitioner

-vs-

1. The District Revenue Officer/Additional District Magistrate
Thoothukudi District, Thoothukudi.
 2. The Inspector of Police,
Pudukottai Police Station,
Pudukottai, Thoothukudi District
 3. The Sub Inspector of Police
Pudukottai Police Station, Pudukottai
Thoothukudi District
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, to direct the 2nd and 3rd respondents to return back the SBBL gun bearing No.BE-1683-2002 along with its original gun licence book to the petitioner within the time fixed by this Court.

For Petitioner : Mr.N.Pragalathan
For Respondents : Mr.T.S.Mohammed Mohideen
Addl. Govt. Pleader

O R D E R

The petitioner was issued with a fire arm licence and on the strength of which, he was in possession of one SBBL gun bearing No.BE-1683-2002, which he deposited with the third respondent police on 09.03.2016 in compliance with the direction of the Election Commission in the run up to the Election to the Tamil Nadu Assembly that was held during the month of May 2016. According to the petitioner, the licence has expired on 31.12.2016 and he has submitted an application for renewal of application. While so, the petitioner has filed the present writ petition for a direction to the respondent police to return the fire arm to him.

2. Ms.A.K.Latha, Sub Inspector of Police, Pudukottai Police Station, is present before this Court.

<https://hcservices.ecourts.gov.in/hcservices/>

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.



4. On instructions, the learned Additional Government Pleader submitted that there are two cases pending against the petitioner, namely, Crime No.10/2015 under Sections 120(b), 465, 467, 471, 420 IPC and Crime No.65/2016 under Sections 294(b) and 506(i) IPC and therefore, the police cannot return the weapon.

5. In the considered opinion of this Court, two cases registered against the petitioner are not for offences under the Arms Act, but for ordinary offences under the Indian Penal Code, for which, the weapon that was handed over by the petitioner cannot be retained indefinitely by the police. However, since the licence of the petitioner has expired, this Court cannot direct the police to hand over the weapon to the petitioner, at this stage. It is open to the petitioner to request for return of the weapon, after the licence is extended by the authorities.

With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Revenue Officer/Additional District Magistrate
Thoothukudi District, Thoothukudi.
2. The Inspector of Police,
Pudukottai Police Station,
Pudukottai, Thoothukudi District
3. The Sub Inspector of Police
Pudukottai Police Station, Pudukottai
Thoothukudi District.

+1CC to M/S.N.Pragalathan, Advocate, SR.No. 18953

+1CC to the Special Government Pleader SR.No. 19247

W.P. (MD) No.24822 of 2016

03.04.2017

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AM/SKN RSK/SAR 3/19.04.2017/2P/6C