

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 564 of 2018

Purushottam Pradhan S/o Meghnath Pradhan Aged About 37 Years
R/o Neempara Sariya P. S. Sariya, Tahsil Baramkela, Distt. Raigarh
Chhattisgarh

---- Petitioner

Versus

State Of Chhattisgarh, Through The District Magistrate Raigarh,
Distt. Raigarh Chhattisgarh

---- Respondent

For petitioner – Shri Awadh Tripathi and Shri Vivek Tripathi, Advocates.
For State-Shri Ashish Shukla, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order

25/07/2018

Heard.

1. Instant petition is against the order dated 9/02/2018 whereby an application to get the possession of a pistol on custody which was refused by the JMFC by its order dated 11/04/2017 was affirmed.
2. Learned counsel for the petitioner would submit that keeping the pistol in custody will not serve any purpose rather it will diminish its value. He further submits that as and when the petitioner is ordered, he shall produce the pistol during the course of evidence, therefore custody of the pistol may be handed over to the petitioner.
3. Perusal of the order would show that complainant Satyanand Pradhan had made a report that he has land at Neempara Sariya without his consent one Meghnath who is father of the petitioner and one Gajendra Pradhan had excavated plinth, when he went there and objected to it, at that time Purushottam Pradhan present petitioner came there and after taking out the pistol made a fire shot towards the floor. Subsequently, threat was extended that if he further object to the construction he will

blow his head. Therefore, on a report made offence under sections 294, 506 of IPC and 25 and 27 of Arms Act was registered.

4. Perusal of the facts would show that alleged pistol may be a part of evidence for identification during the course of trial. Therefore, at this stage nature of the goods which has been sought for can always be changed which may ultimately diminish the entire evidence. Taking into nature of allegation, I do not find any illegality in the order of both the court below to reject the prayer to hand over the pistol and no fault can be attributed.

5. Accordingly, the petition has no merit and it is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE