

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 5090 OF 2017**

Manojkumar Ashok Ankushe

..Petitioner

Vs.

The State of Maharashtra & Anr

..Respondents

Mr. Y. B. Lengare for the Petitioner

Mr. Deepak Thakare GP a/w Mr. K. V. Saste Addl PP for the Respondent State

**CORAM :R. M. SAVANT, &
SARANG V KOTWAL,JJ**

DATE : 22nd MARCH, 2018

P.C.

1 The above Writ Petition has been filed for quashing of the FIR being No.774 of 2017 registered with the Loni Kalbhor Police Station on 19-10-2017 for the offences punishable under Sections 3 and 25 of the Indian Arms Act and Section 135 of the Maharashtra Police Act, 1951.

2 The gravamen of the allegations against the Petitioner is the possession of an unlicenced weapon. The above Petition had come up for admission before this Court on 23-2-2018 when this Court recorded the statement of the Learned Counsel for the Petitioner that the brother-in-law of the Petitioner to whom the weapon belongs and who has the licence of the said weapon in question, would present himself before the Senior P. I. of the said Loni Kalbhor Police Station, on Monday i.e. 26-2-2018. The Senior P. I. was thereafter directed to submit a report to this Court. A report has accordingly been submitted to this Court by Senior P. I., in which it is disclosed

that during the relevant time i.e. the day on which the incident occurred, the licence was not valid and that the licence was thereafter renewed by the District Collector, Kishtwar, Jammu and Kashmir. The report further discloses that the weapon is to used only within the State of Jammu and Kashmir. Hence various factual aspects arise, it is therefore not possible for this Court to accept the contention of the Petitioner that he was never in possession of the weapon and that the weapon has been recovered from his brother-in-law.

3 In so far as the renewal of the licence is concerned, it is stated in the report that the Investigating Agency has sent a team to Kishtwar to verify whether the licence in fact has been renewed.

4 Having regard to the aforesaid position, no case for interference at this stage is made out. In the event the charge sheet is filed, the Petitioner would be at liberty to invoke the statutory remedy available under the CrPC. If any such application is filed, needless to state that the same would be tried on its own merits and in accordance with law.

5 With the aforesaid observations, the above Writ Petition is dismissed.

[SARANG V. KOTWAL, J]

[R.M.SAVANT, J]