

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.427 OF 2018

Indrajeet Umedmal Shah

... Petitioner

Vs

The State of Maharashtra & anr.

... Respondents

Mr. Tejas Hilage for the Petitioner

Mr. N. B. Patil, APP, for the Respondent – State

CORAM: Mrs. MRIDULA BHATKAR, J.

DATED: MARCH 12, 2019

P.C.:

1. In this Writ Petition, the order dated 14.7.2017 passed by the learned Sessions Judge, Kolhapur, thereby rejecting the application for discharge and confirming the order dated 31.12.2014 by the learned J.M.F.C., Peth Vadgaon in R.C.C. No.8 of 2008, is challenged.

2. The petitioner is prosecuted under section 3(1), 25(1A) of the Arms Act. A countrymade revolver was found in the dicky of the motor car which was in possession of the petitioner/accused. The police have conducted raid on 7.11.2005 and seized the weapon

found in the car. The learned Counsel for the applicant has submitted that the trial Judge and the Sessions Judge has not taken into account the statements of the uncle of the accused i.e., Abhay Kumar Shah which was recorded on 19.11.2005, where he has mentioned that the said car was sent for electrical work on 26.10.2005 and the driver of the car has taken the family members to the market and after 26.10.2005 till today, nobody has used the vehicle. The learned Counsel submitted that the car is not owned by the petitioner/accused. He does not have conscious possession of the weapon. He is innocent and has not committed any offence and there is no evidence against him.

3. Learned Prosecutor opposes the Writ Petition and relied on the FIR dated 7.11.2005 and the seizure panchanama.

4. Perused the relevant documents which are produced before the Court. The seizure panchanama which was conducted between 1800 hours and 1930 hours discloses the seizure of countrymade revolver from the car which was parked outside the house of the applicant. The order of the learned Sessions Judge is found well reasoned where he has also considered that no explanation was given by the petitioner/accused before the police

when the order under the Arms Act was issued. Under such circumstances, I am of the view that there is no reason to interfere with the concurrent orders of the Courts below. Hence, the petition is dismissed.

(MRIDULA BHATKAR, J.)