

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 13.02.2019

CORAM:
THE HONOURABLE MR. JUSTICE P.VELMURUGAN
Crl.R.C.No.1532 of 2018

K.S.Mohamed Rafic

...Petitioner

-Vs-

The state rep. by
The Inspector of Police,
Vedaranyam Police Station,
Vedaranyam.

...Respondent

This Criminal Revision Petition is filed under Sections 397 read with Section 401 of Cr.P.C. to call for the records pertaining to Crl.M.P.No.1277 of 2018 in Crime No.47 of 2018 dated 16.04.2018 on the file of the learned District Munsif-cum-Judicial Magistrate, Vedaranyam, and to revise the order by enabling the petitioner to get back his pistol from the judicial custody.

For Petitioner : Mr.K.M.Subramaniam
For Respondents : Mr.R.Ravichandran
Government Advocate (Crl.Side)

O R D E R

This criminal revision has been filed against the order of dismissal dated 16.04.2018 seeking return of pistol, made in Crl.M.P.No.1277 of 2018 in Crime No.47 of 2018 by the learned District Munsif-cum-Judicial Magistrate, Vedaranyam.

2 The respondent police registered a case against the petitioner for offence under Sections 342, 323, 307 of IPC and 27(1) r/w 5 of the Indian Arms Act and the pistol of the petitioner was seized. The petitioner has filed a miscellaneous petition in C.M.P.No.1277 of 2018 under Section 451 and 457 of Cr.P.C. seeking to return the pistol. The learned Magistrate, dismissed the petition by order dated 16.04.2018, against which, the petitioner has preferred the present criminal revision case.

3 According to the learned counsel for the petitioner, the petitioner never threatened any one with his licensed pistol. Hence he filed a petition, seeking

interim custody of the pistol, which was seized by the respondent police. The learned Magistrate, had erroneously dismissed the petition, which warrants interference.

4 According to the learned Government Advocate (Crl.Side) appearing for the respondent police, pistol is a deadly weapon and the petitioner by showing the same threatened the defacto complainant. Hence the learned Magistrate has rightly dismissed the petition seeking return of pistol, which does not call for any interference.

5 Heard the learned counsel appearing on either side and perused the materials available on record.

6 The learned Magistrate has given a valid reason for dismissing the petitioner filed under Section 451 and 457 of Cr.P.C seeking return of property that the pistol is a deadly weapon and it is the case property, which could not be returned pending investigation. This Court does not find any infirmity in the impugned order calling for interference and the criminal revision case has no merit and substance the same is dismissed.

Sd/-

Assistant Registrar(CS vi)

//True Copy//

Sub Assistant Registrar

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To
The District Munsif-cum-Judicial Magistrate,
Vedaranyam.

2.The Inspector of Police,
Vedaranyam Police Station,
Vedaranyam.

3. The Public Prosecutor, High Court ,Madras.

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A.SK(12/03/2019)

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