



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 06.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.R.C.[MD]No.572 of 2015
and
M.P.[MD]No.1 of 2015

K.M.Akbar Ali : Petitioner/Petitioner/
3rd Party

Vs.

State rep by,
The Forest Range Officer,
Oddanchatram,
(WLOR No.2/2015) : Respondent/ Respondent/
Complainant

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C., praying to call for the records relating to the case in Crl.M.P.No.10297/2015 on the file of the Learned Judicial Magistrate, Oddanchatram and set aside the order dated 15.10.2015 in so far as the imposition of condition No.2 and 3 are concerned.

For Petitioner : Mr.D.Shanmugaraja Sethupathi
For Respondent : Mrs.S.Bharathi
Government Advocate [Crl. Side]

O R D E R

The petitioner was a license holder of Sporting Rifle No.076100739 bearing Arms License No.6/1/MNT 2. The said license had expired on 31.12.2014. The petitioner has made an application for renewal of the said license on 11.12.2014, before the competent authority. In the meanwhile, the petitioner's son was involved in a case, as if he misused the gun belonging to the petitioner. During the arrest of the son of the petitioner, the respondent seized the Rifle and produced it before the learned Judicial Magistrate, Oddanchatram.

2.Further, during the processing of the petitioner's application for renewal of license, the Assistant Commissioner of Police, Anna Nagar has directed the petitioner to produce the Rifle with the original license for verification. Hence, the petitioner made a petition under Section 451 of Cr.P.C. before the learned Judicial Magistrate, Oddanchatram, for interim custody of the said rifle. The learned Judicial Magistrate has allowed the 451 petition with the following conditions:

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



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- "i) The petitioner shall return the property as in the original condition after renewal of the license on or before 16.11.2015, without fail.
ii) The original license shall be produced before this Court after renewal"

3.Challenging the above conditions imposed by the learned Judicial Magistrate, Oddanchatram, the instant Criminal Revision Case has been preferred by the petitioner.

4.The learned Counsel for the petitioner would submit that now, the gun is under the safe custody of the Othakadai Police Station. In the meanwhile, the license renewal application made by the petitioner was rejected by the Government. Aggrieved by the said order of rejection, the petitioner had filed W.P.[MD]No.1541 of 2016 and the same is pending consideration before this Court. Hence, the present Criminal Revision Case has become infructuous, in view of the pendency of the writ petition, since the very same issue was seized by this Court in W.P.[MD]No.1541 of 2016. Accordingly, nothing survives for further adjudication in the instant revision. Accordingly, this Criminal Revision Case is dismissed as infructuous, giving liberty to the petitioner to approach the appropriate forum after the disposal of the writ petition being W.P. [MD]No.1541 of 2016. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

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/ /2020

Sub Assistant Registrar(CS)

To

- 1.The Judicial Magistrate, Oddanchathram.
- 2.The Forest Range Officer,
State of Tamil Nadu, Oddanchatram,
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.D.SHANMUGARAJASETHUPATHI, Advocate (SR-10491[F] dated 06/03/2020)

ORDER MADE IN
CRL.R.C. [MD]No.572 of 2015
06.03.2020

MR

TK/SAR./18.03.2020/2P/5C