

12.01.2021
Item no.4
Ct. No.42
CHC

C.R.R. No.1676 of 2020

In Re: An application under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973.

In the matter of:-

Amar Adhikary
.....petitioner

Ms. Sreyashee Biswas,
Ms. Jyotiska Panja,
Ms. Puja Goswami
... for the petitioner

Mr. Madhusudan Sur, Ld. A.P.P.
Mr. Dipankar Paramanick
...for the State

This relates to a prayer for getting back the seized arms, after it was refused by the impugned order dated 10th November, 2020 by Learned Additional Chief Judicial Magistrate, Arambagh, Hooghly.

Refusal to return of the seized arms is the subject of challenge in this revisional application.

Learned advocate for the petitioner, Ms. Sreyashee Biswas submits that revisionist is the licensed owner of the arms and it was never used in the crime, said to have been committed. She

also disputes with the recovery of the arms. According to Ms. Biswas the manner in which the prayer for return of the seized arms has been refused to a licensed gun holder, it interferes with the personal liberty of the petitioner guaranteed under the Constitution.

A report is found called for by the order of this Bench dated 7th December, 2020.

Learned Advocate, Mr. Madhusudan Sur representing the State produces the report and strongly raises objection regarding return of the seized arms. Let the report be kept with the record.

It is submitted by Mr. Sur that seized arms and ammunitions have already been sent to FSL and the same is lying at FSL, Kolkata. According to Mr. Sur, investigation will be highly prejudiced if there is any order allowing return of the seized arms.

There are reasons to justify the contention raised by Mr. Sur. Whether the seized arms were used in the alleged crime or not it is a matter to be decided in connection with the offence complained of during trial.

Upon consideration of the rival submissions of both parties and F.S.L. having conducted over the seized arms, this Court finds reasons to decline the return of arms.

Liberty is, however, given to renew the prayer after the FSL is smoothly conducted over the seized arms.

With this observation, the criminal revisional application thus stands dismissed, and accordingly disposed of.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Subhasis Dasgupta, J.)