

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

CRIMINAL WRIT PETITION NO. 1904 OF 2016

Tejubhai Isardas Lalwani

...Petitioner

Versus

The State of Maharashtra

...Respondent

....

Mr. Umesh Mankapure a/w Mr. Nilesh Wable and Ms. Bhavika Shinde,
Advocate for the Petitioner.

Mr. S.R. Agarkar, A.P.P. for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 10th JANUARY, 2024.

P.C.:

1. The Petitioner was impleaded as accused in Sessions Case No.60 of 2005. The offences were registered under Sections 307, 323, 504, 506 (II) of Indian Penal Code (for short “IPC”) r/w Section 3(25) of the Arms Act. During the course of investigation, the Arm i.e. Pistol belonging to the Petitioner was seized by the Police. Sessions Case No.60 of 2005 has resulted in acquittal vide Judgment and order dated 13.06.2008.

2. The complaint was lodged by one Girish Lohana against the Petitioner alleging that the Petitioner is in possession of the Arm

Corrected version of order dated 10.01.2024 pursuant to speaking to minutes of order dated 30.01.2024.

without valid license. The case was registered vide C.R.No.55 of 2011. During pendency of the investigation, the Petitioner preferred an application before the Court of learned J.M.F.C. Sangli under Section 457 of Cr.P.C. for returning AVM/Pistol bearing No.11312. The said application was rejected by the learned Magistrate vide order dated 26.06.2013. The Petitioner then moved revision application before the Sessions Court challenging the said order. The revision application was dismissed vide order dated 8th March 2016.

3. Learned Advocate for the Petitioner submitted that the license for the Pistol has been renewed. The proceedings initiated against the Petitioner vide C.R. No.55 of 2011 were investigated and C-Summary report was filed before the Court of Joint C.J.J.D., Sangli which has been accepted by the Court on 25.08.2021. Hence, Pistol bearing No.11312 be returned to the Petitioner.

4. The proceedings in C.R. No.55 of 2011 are closed on account of grant of C-Summary and the prosecution arising out of previous FIR has resulted in acquittal. There is no impediment in allowing the prayers sought in this Petition.

ORDER

- i. Criminal Writ Petition No.1904 of 2016 is allowed;

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- ii. Impugned order dated 08.03.2016 passed by the learned District Judge-1, & Additional Sessions Judge, Sangli in Criminal Revision Application No.109 of 2013 and order dated 26.06.2013 passed by the learned J.M.F.C. sangli are set aside.
- iii. Pistol bearing No.11312 be returned to the Petitioner subject to usual terms and conditions.
- iv. Writ Petition is disposed off accordingly.

(PRAKASH D. NAIK, J.)