



Crl.O.P.(MD)No.7120 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.7120 of 2022
and Crl.M.P.(MD)No.4886 of 2022

A.Jins Raldu Samuel

... Petitioner

Vs.

1.The State Rep.by
The Inspector of Police,
Medical College Police Station,
Thanjavur.

2.Arockiya Doss
The Inspector of Police,
Medical College Police Station,
Thanjavur.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to C.C.No. 57 of 2020 on the file of the Judicial Magistrate No.II, Thanjavur and quash the same against the petitioner.

For Petitioners : Mr.K.Samidurai

For R1 : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed to quash the charge sheet in C.C.No.57 of 2020 on the file of the Judicial Magistrate No.II, Thanjavur.

2.The case of the prosecution is that the accused persons were in illegal possession of unlicensed R.S.2 Blank Fire Sport Pistol and unlicensed ammunition. Hence, a case in Cr.No.586 of 2016 came to be registered. Upon completion of investigation, the first respondent filed final report in C.C.No.57 of 2020, for the offences punishable under Section 25(1B)(b) of the Arms Act, 1959. Challenging the same, the present petition has been filed.

3.The learned counsel appearing for the petitioner submitted that the petitioner herein is arrayed as A5 and he has been implicated by alleging that he purchased revolver from A2, who purchased the same from A1 illegally. He further submitted that except confession statement of the co-accused, there is no incriminating materials available and there



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is no recovery from the petitioner herein. He further submitted that the petitioner obtained valid licence for possession of gun and he purchased the gun with proper permission and further, he is also having Form III application. He also submitted that, without considering all those aspects, the first respondent filed the impugned charge sheet as against the petitioner. Accordingly, he prayed to quash the impugned charge sheet.

4.The learned Government Advocate(Crl.side) appearing for the first respondent submitted that admittedly, there is no recovery from the petitioner, however, the issues raised in the present petition are all triable issues, which cannot be agitated before this Court under 482 Cr.P.C., and accordingly, he prayed to dismiss the present petition.

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

6.It is seen that the accused persons were in illegal possession of unlicensed R.S.2 Blank Fire Sport Pistol and unlicensed ammunition. A2 in this case gave confession statement stating that he purchased the



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revolver from A1 and sold the same to the petitioner herein. Admittedly, A1 and A2 are not having any valid licence for the possession of the arms and the respondent Police recovered the arms from the other accused persons only. There is no recovery from the petitioner herein. Apart from that, the petitioner is having valid licence for the possession of the gun.

7.In view of the above, forcing the petitioner to face trial is not sustainable one. Accordingly, the impugned charge sheet in C.C.No.57 of 2020 on the file of the Judicial Magistrate No.II, Thanjavur is hereby quashed and this criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

12.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Judicial Magistrate No.II,
Thanjavur.
- 2.The Inspector of Police,
Medical College Police Station,
Thanjavur.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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