

WPA 22239 of 2025

Sougata Banerjee

Vs.

The State of W. B. & Ors.

Mr. Nitai Chandra Saha
Mr. Abhijit Ch. Majumder
Ms. Nisha Agarwal
Ms. Paulami Majumdar ...for the petitioner.

Mr. Sirsanya Bandyopadhyay
Mr. Tarak Karan ...for the State.

Report submitted by the State is taken on record.

Heard learned counsels for the parties.

The police authority has serious objection to return of the sports rifle to the petitioner in view of the chequered history of the petitioner.

It appears from the report that in view of the marital discord between the petitioner and his wife, the wife lodged complaint before the Kalighat police station wherein she stated that the petitioner was threatening her with an unlicenced gun owned by him.

I have considered the material on record.

A complaint was lodged by the petitioner's wife on 21st June, 2025, that is, after the rifle was seized from the petitioner in connection with the criminal case lodged against him. Therefore the question of threatening the petitioner's wife with the gun does not arise. The petitioner has been acquitted from the earlier criminal complaint

lodged against him. Though the licence of his sports rifle has been renewed, the rifle has not been returned to him.

The petitioner applied before the Officer in Charge, Arms Act Department, being the 5th respondent herein for release of his rifle.

Upon consideration of the material on record, this Court is of the view that since the petitioner has been acquitted from the earlier complaint and licence of his rifle has already been renewed, there is no reason why his rifle shall not be released in his favour by the concerned authority merely on the apprehension that there may be breach of law and order if the rifle is handed over to him. The allegation made by the petitioner's wife shall be dealt with by the appropriate forum.

In view of the above, the writ petition is allowed.

The 5th respondent is directed to release the rifle in favour of the petitioner subject to the petitioner submitting an undertaking to the effect that he shall not use the same for any illegal/immoral purpose.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

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

(Suvra Ghosh, J.)