



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

15 CRIMINAL WRIT PETITION NO. 1001 OF 2023

Syed Aadil Hussain Syed Ahmed Hussain,
Age: 47, Occu: Architect,
R/o S.V. Patel Road, Purna,
District Parbhani.

... **PETITIONER**

V/s.

State of Maharashtra,
Through Police Station Officer
Purna Police Station, Purna
District Parbhani.

... **RESPONDENT**

.....
Mr. Satyajit S. Bora, Advocate for the Petitioner
Mr. S.M. Ganachari, APP for the Respondent-State
.....

CORAM : Y.G. KHOBRADE, J.
DATE : 06.01.2025

ORAL JUDGMENT:-

1. Rule. Rule made returnable forthwith. Heard finally with consent of both the sides at the stage of admission.
2. By the present petition, the Petitioner takes exception to the order dated 06.06.2023 passed below Exh.120 in RCC No.118/2011 by the learned JMFC, Purna, whereby the prayer for possession of the revolver bearing Sr.No.AT 074950 Model 733 by H&R made in USA has been declined on the

ground that firearm license has been transferred in the Petitioner's name before the death of his father.

3. It is not in dispute that on 29.07.2010, the Firearm Sr.No.AT 074950 Model 733 came to be seized by the police in connection with Crime No.133/2010 registered with Police Station Purna for the offences punishable under Section 143, 147, 148, 149, 506 of the I.P.C. r/w Section 3, 25 and 27 of the Arms Act. On 06.10.2021, the present Petitioner filed an application Exh.120 and contended that the Firearm in question was standing in the name of his father Syed Ahmed Hussain and father of Accused-Abbas Hussain. On perusal of the FIR it is revealed that Mr. Abbas Hussain, brother of present Petitioner pointed firearm and issued threats. Therefore, said firearm came to be seized from the accused-Abbas Hussain. According to the Petitioner, the firearm in question has been transferred in his name by his father. The Petitioner is holding license for said firearm.

4. Needless to say that after conclusion of trial, on 12.12.2024, the learned JMFC passed the Judgment and order in RCC No.118/2011 (Crime No.133/2010) and acquitted the Accused- Syed Abbas Syed Ahmed Hussain for the offence punishable under Section 143, 147, 148, 149, 506 of the I.P.C. and Section 27 read with Section 5 of the Arms Act. However, the learned trial Court directed to refer the firearm and ammunition to the District Magistrate,

Parbhani for its disposal as per rules after appeal period is over. Since the present Petitioner is the owner of firearm bearing Sr.No.AT 074950 Model 733 and holding the license from the Competent Authority, therefore, the Petitioner is entitled for possession of the firearm i.e. revolver which was seized in Crime No.133/2010 which is registered as RCC No.118/2011 after appeal period is over.

5. In view of above discussion, the Petition is allowed. The impugned order passed by the learned JMFC is hereby quashed and set aside. Accordingly, Rule is made absolute in terms of prayer clause-B. However, the Petitioner is entitled for possession of Firearm after appeal period is over.

[Y.G. KHOBRADE, J.]