



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 305 OF 2025

Gurumindarsing Indrasing Chahal

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Harshal Prakash Randhir, Advocate for the Applicant.

Ms. A. S. Deshmukh, APP for Respondent.

CORAM : ABHAY J. MANTRI, J.

DATE : OCTOBER 15, 2025

JUDGMENT :

1. The learned advocate for the applicant seeks leave to correct the prayer clause (Second-‘B’). Leave is granted as prayed. The amendment is to be carried out forthwith.

2. The applicant, who was accused in Crime No.60 of 2014, registered with Bazarpeth Police Station, Bhusawal, District Jalgaon, for offences punishable under Sections 353, 506, and 188 of the Indian Penal Code, read with Sections 3/25, 20, and 30 of the Arms Act.

3. Being dissatisfied with Clause No. 5 of the operative part of the judgment and order dated 22nd November 2021, passed by the learned Additional Sessions Judge, Bhusawal, which allowed the criminal appeal filed by the applicant, however, maintained the remaining part of the judgment and order passed by the learned Trial Court.

4. Heard learned advocate for the applicant and the learned APP for the respondent – State. Perused the impugned judgment and record.

5. At the outset, it appears that vide judgment and order 31st August 2019, the learned Assistant Sessions Judge, Bhusawal, convicted the applicant for the offences punishable under Section 353 of the IPC and Section 30 of the Indian Arms Act and awarded the sentence as per the said judgment. As per Clause No.6 of the operative part of the order, the learned Assistant Sessions Judge directed that “*the seized pistol and six live cartridges be disposed of by sending them to the District Magistrate, Jalgaon, after the appeal period is over.*”

6. However, the learned Additional Sessions Judge, Bhusawal vide judgment and order 22nd November 2021, allowed the appeal and acquitted the applicant from the offences punishable under Section 353 of the IPC and Section 30 of the Indian Arms Act, however, while passing further order in clause No.5 of the operative part, the learned Judge observed that “*the remaining part of the judgment and order passed by the learned Trial Court shall remain maintained.*” Aggrieved by Clause No.5 of the judgment and order, the applicant has preferred this revision application.

7. By order dated 03rd October 2025, the respondent – State was directed to take necessary instructions whether the pistol and six live cartridges were sent to the District Magistrate, Jalgaon, for disposal or remained with it and whether they have preferred any appeal against the

order passed by the learned Additional Sessions Judge. In response to the said queries, the Police Sub Inspector, Bajarpeth Police Station, has filed an affidavit-in-reply. In paragraphs Nos. 9 and 10, he has asserted that “*the pistol and six live cartridges are still pending with the Sessions Court, Bhusawal*”. Similarly, averred that the “*State has not preferred any appeal against the judgment and order dated 22nd November 2021, passed in Criminal Appeal No.36 of 2019.*” His only contention is that the applicant has not filed any application for release/return of the pistol and six live cartridges before the learned Sessions Court.

8. In response, the learned advocate for the applicant submitted that the applicant had filed an application for returning the pistol; however, the applicant withdrew the same.

9. It is pertinent to note that the applicant is acquitted of the charges levelled against him. It also appears that the said pistol, along with six live cartridges, was seized from his possession by the police; therefore, it was incumbent on the learned Additional Sessions Judge to return the property seized in the crime to the owner/license holder of the said pistol, along with live cartridges. However, inadvertently as per Clause No.5 of the operative part of the order, the learned Judge has observed that rest part of the order passed by the learned Trial Court shall remain maintained, therefore, in my view, the said order required to be set aside in the revision, as after acquittal of the accused in the crime, the owner/license holder of

pistol and six live cartridges are entitled to claim the said property.

10. It also appears that the State has not preferred any appeal and the said pistol and six live cartridges are lying with the Sessions Court, therefore, in my view, it would be appropriate to return the said property to the owner/license holder of the said pistol and six live cartridges on his filing the relevant application along with the necessary documents before the learned Sessions Court, to determine the entitlement of the concerned applicant.

11. As a result, the application is allowed. Clause No.5 of the operative part of the impugned judgment and order is quashed and set aside, and the seized pistol and six live cartridges must be returned to their owner/license holder as per the rules on the application filing by the concerned.

12. The application is allowed and disposed of in the above terms.
No order as to costs.

(ABHAY J. MANTRI, J.)