



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-09-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2394 of 2024

1. OTTERSING

S/o.Papanasing, Jj Nagar, Narikuravar
Colony, Gingee Taluk, Villupuram
District.

Petitioner(s)

Vs

1. The State Rep By
The Inspector Of Police, Anathapuram
Police Station, Villupuram District.
Cr.No.238/2021.

Respondent(s)

CRL RC No. 2394 of 2024

PRAYER

To set aside the order dated 30.09.2024 made in Crl.M.P.No.3667/2024 in CC No.69/2022 on the file of Judicial Magistrate, Gingee.

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For Petitioner(s): V.R.Appaswamee
R.Sasikumar



V.Vijayarajan
S.Thiyagarajan
A.Tamilselvan

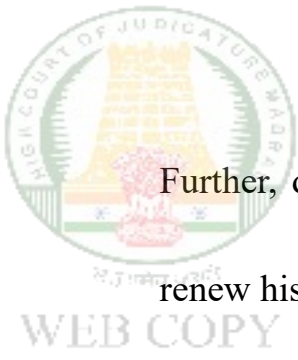
For Respondent(s): Dr. C.E. Pratap,
Government Advocate (Crl. Side)

ORDER

This petition has been filed to set aside the order dated 30.09.2024 made in Crl.M.P.No.3667/2024 in CC No.69/2022 on the file of Judicial Magistrate, Gingee.

2. The respondent police registered FIR in crime No. 238 of 2021 against the petitioner and other accused persons for the offence punishable under Section 25(1B)(a), 27(1), 30 of Arms Act and seized the country gun from the petitioner. Thereafter, the petitioner filed Crl.M.P No. 3667 of 2025 in C.C No. 69 of 2022 for seeking custody of country gun. After hearing submissions on either side, the Court below dismissed the said petition. Challenging the same, the petitioner filed this Criminal Revision Case.

3. The learned counsel for the petitioner submits that Court below has failed to consider the fact that A1 & A2 had taken the country gun belongs to the petitioner and in fact, the petitioner/A3 has been acquitted by the Trial court.



Further, due to the pendency of the above case the petitioner was not able to renew his gun licence. Hence, he prays to allow this case.

4. The learned Government Advocate (Crl. Side) admits that the petitioner acquitted from the case.

5. Considering the facts and circumstances of the case, this Court is inclined to return the country gun to the petitioner and accordingly, the order passed in Crl.M.P No. 3667 of 2025 in C.C No. 69 of 2022 by the Judicial Magistrate, Gingee, is hereby set aside. The learned Judicial Magistrate, Gingee., is directed to return the country gun to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to execute an own bond for a sum of Rs.1,00,000/- (Rupees One lakh only) to the satisfaction of the concerned Magistrate to the credit of Crime No. 69 of 2022 pending on the file of the respondent police.

(ii) the seized item should be photographed at the cost of the petitioner herein and a list is to be prepared and the same is to be signed by the petitioner.



(iii) the petitioner shall produce the country gun before the Court and before the respondent police as and when required;

(iv) If any of the conditions are violated, this order automatically stands cancelled.

6. Accordingly, the Criminal Revision Case stands allowed.

26-09-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Judicial Magistrate, Gingee.
2. The Section officer, V. R Section, High Court, Madras.
3. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.
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