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IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 29 OF 2026

SADANAND SAINGO KERKAR



... PETITIONER

~ VERSUS ~

STATE OF GOA, THR. P.I., VALPOI



... RESPONDENT

APPEARANCES:

for the Petitioner

Mr. Hanumant D. Naik with Ms. Divya Naik

for the Respondent

Mr. Somnath Karpe, APP with Ms. Samiksha Vaigankar and Mr. Anand Shirodkar

CORAM : AMIT S. JAMSANDEKAR, J.

DATED : 23rd APRIL 2026

P.C:

1. Heard Mr. Naik, the learned Counsel for the Petitioner and Mr. Karpe, the learned Additional Public Prosecutor for the State.

2. By the present Petition, the Petitioner has challenged the order dated 08.01.2024 passed by the learned Judicial Magistrate First Class, Sattari at Valpoi (**the learned Magistrate**), by which the learned Magistrate has rejected the Application filed by the Petitioner for the release of Gun/Arm bearing License No. LN11250A7A21919/STR/386/82.
3. It is submitted by Mr. Naik that the Petitioner is not shown as an Accused in the chargesheet, however, the Petitioner's nephew was allegedly found in possession of the Gun of the Petitioner and therefore, an offence came to be registered under Sections 3 and 5 read with Section 25 of the Arms Act. The present Petition is filed on the ground that the license of the Gun is required to be renewed and the Gun also requires servicing. Therefore, the Petitioner seeks the release of the Gun.
4. The learned Magistrate has dismissed the Application filed by the Petitioner by recording the objection of the Investigating Officer that the 12 bore SBBL Gun is material evidence of the Prosecution and the same is required during the trial/prosecution. The release of the Gun was also objected to by the Investigating Officer on the grounds that if the Gun/Arm is released to the Petitioner, there is a possibility that the Petitioner may modify it and/or tamper with the entire evidence.
5. Mr. Karpe, the learned Additional Public Prosecutor, has also reiterated the same grounds in the present Petition to object to the Petitioner's prayers.

6. After hearing the matter at length, I find that the 12 bore SBBL Gun bearing Arm license No. LN11250A7A21919/STR/386/82 is a material evidence of the Prosecution; however, in view of the fact that the license of the Petitioner is required to be renewed and the Gun also requires servicing, I am inclined to dispose of the Petition in the following terms:-

- i. The P.I. of Valpoi Police Station is directed to release the Arm bearing license No. LN11250A7A21919/STR/386/82 to the Petitioner.

It is clarified that the release of the Gun bearing the Arm bearing license No. LN11250A7A21919/STR/386/82 is only meant for renewal of the Petitioner's license and for servicing of the Arm. Therefore, after getting the license renewed and after servicing the said Gun, the Petitioner shall immediately hand over the Arm bearing license No. LN11250A7A21919/STR/386/82 to the P.I., Valpoi Police Station.

- ii. The Petitioner undertakes to this Court that if required, the Petitioner shall produce the Arm bearing license No. LN11250A7A21919/STR/386/82 as and when required and on the

Investigating Officer's directing the Petitioner to do so.

- iii.** The Petitioner further undertakes that the Petitioner shall not modify the Arm bearing license No. LN11250A7A21919/STR/386/82 in any manner, directly or indirectly, during the pendency of the trial. The Petitioner further undertakes that he shall also not sell, transfer or alienate the Arm bearing license No. LN11250A7A21919/STR/386/82 during the pendency of the trial. Further, it is undertaken by the Petitioner that the Arm bearing license No. LN11250A7A21919/STR/386/82 shall always remain in possession and control of the Petitioner alone, and he shall be solely responsible and accountable.
- iv.** The Petitioner, within a period of one week from the release of the Gun by the P.I., Valpoi Police Station, shall make an Application for renewal of the same before the competent Authority.
- v.** The competent Authority shall decide the Application of the Petitioner for renewal of the

Petitioner's license within a period of six weeks from the date of the Petitioner's Application.

- vi. Irrespective of the grant or refusal of the Application for renewal of the license, the Petitioner shall deposit the Arm bearing license No. LN11250A7A21919/STR/386/82 with the P.I. of Valpoi Police Station within a period of one week from the date of disposal of the Application for renewal of the license by the competent Authority.
7. The undertakings given by the Petitioner are accepted as undertakings to this Court.
8. The **Petition stands disposed of** in the above terms.
9. No order as to costs.
10. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[AMIT S. JAMSANDEKAR, J.]