HC-KAR

CNR: KAHC010008282023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 131 OF 2023

BETWEEN:

SRI DEVARAJU M.S
S/O LATE SANNA BOREGOWDA
AGE ABOUT 61 YEARS
R/AT MOLEYURU GRAMA VILLAGE
KANDALIKE HOBLI, H.D. KOTE TALUK
MYSURU DISTRICT - 571 121.

...PETITIONER

(BY SRI SUNIL K.N, ADV.)

AND:

STATE BY BANASWADI
POLICE STATION, BENGALURU
HIGH COURT OF KARNATAKA
BENGALURU - 560 001
REP. BY ITS STATE
PUBLIC PROSECUTOR.

...RESPONDENT

(BY SRI RAHUL RAI K, HCGP)

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO SET ASIDE THE ORDER DATED 04.08.2022 MADE IN C.C.NO.25055/2022 PASSED BY THE XXVI ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, MAYOHALL, BENGALURU AND ORDER PASSED BY THE ADDL.C.M.M., MAYOHALL UNIT, BENGALURU IN C.C.NO.54065/2020 ON 08.03.2022.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

This petition under Section 482 of Code of Criminal Procedure (hereinafter referred to as 'Cr.P.C.' for short) is filed assailing the order dated 04.08.2022 passed in Crl.Rev.P.No.25055/2022 by the XXVI Additional City Civil and Sessions Judge, Mayohall, Bengaluru, and the order dated 07.03.2022 passed in CC.No.54065/2020 by the XI Additional Chief Metropolitan Magistrate, Mayohall Unit, Bengaluru.

2. Heard the learned counsel for the parties.

3. The petitioner had filed an application under Sections 451 and 457 of Cr.P.C. before the jurisdictional Court of Magistrate in CC.No.54065/2020 seeking interim custody of his rifle, which was recovered and seized in the said case. The said application was dismissed by the learned Magistrate vide order dated 07.03.2022, which was confirmed by the revisional Court in

Crl.Rev.P.No.25055/2022 vide order dated 04.08.2022. Assailing the said two orders, the petitioner is before this Court.

4. Material on record would go to show that the accused in CC.No.54065/2020 were apprehended along with a single-barrel licensed rifle belonging to the petitioner, which was used by them to hunt a wild animal within the reserved forest area. The weapon used for hunting the wild animal was recovered and seized under a Panchanama and produced before the Court. The petitioner, who is the owner and license holder of the weapon, had filed an application before the Court under Sections 451 and 457 of Cr.P.C. seeking interim custody of the said weapon.

5. The Courts below, placing reliance on Section 39(1)(d) of the Wild Life (Protection) Act, 1972 have dismissed the application of the petitioner. Section

39(1)(d) of the Wild Life (Protection) Act, 1972 reads as follows:

> *"(d) vehicle, vessel, weapon, trap or tool that has been used for committing an offence and has been seized under the provisions of this Act, shall be the property of the State Government."*

6. During the course of the argument, learned counsel for the petitioner has brought to the notice of this Court that the trial in the case before the learned Magistrate has already commenced and majority of the charge sheeted witnesses are already examined.

7. Under the circumstances, I am of the opinion that, at this stage, if this petition is disposed of with an observation that the rifle belonging to the petitioner, which has been seized in the present case, would be subject to the outcome of CC.No.54065/2020 pending before the Court of the jurisdictional Magistrate, the same would secure the ends of justice. Accordingly, the following:

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ORDER

i) The criminal petition is ***disposed of*** with the aforesaid observation.

ii) The Trial Court is requested to expedite the trial in CC.No.54065/2020 and dispose of the same at the earliest.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

SHS
List No.: 2 Sl No.: 5