

IN THE COURT OF IInd ADDITIONAL JUDGE TO THE Ist
ADDITIONAL SESSIONS JUDGE, RAIPUR (C.G.)
(Presided by: Suresh Joon)

Cr. Revision No. 230/2019

Date of Institution:- 01.04.2019

CIS No. CGRP01-00287-2019

Dr. Kabir Diwedi S/o Late Arun Kumar Diwedi, Age 47 year,
R/o House No.120, Shayam Nagar, Near Santoshi Mandir,
Telibandha, District Raipur (CG)

-----Revisionist/ Applicant

Versus

State of Chhattishgarh,
Through Collector, Raipur (C.G.)

-----Respondent

Revision U/s 397 read with Section 399 Criminal Procedure Code

Present:-

Sh. D.K. Sharma, learned counsel for the revisionist.

Smt. Sunita Tomar, learned APP for Respondent.

ORDER

(Passed on this 08th day of May, 2019)

By this order, the present revision filed by
revisionist/ applicant against the order dated 28-01-2019, passed
by Sh. Vinay Kumar Pradhan, Judicial Magistrate First Class,

District Raipur (C.G.) in criminal case No. 324 of 2019, titled as
State Versus Utapal Bhattachary and others is hereby disposed of.

2. Brief facts of the case are that a criminal case under section 420, 506B, 467, 468 IPC and under section 25, 30 Arms Act has been registered against the applicant and others in police station Civil line Raipur. In the said case, a 315 Bore rifle and arm licence of applicant has been taken in to possession by the police. Applicant has filed the application 451 Cr.P.C., for supurdnama of aforesaid rifle and licence. Learned trial Court after taking into consideration the material placed on file and hearing the parties , dismissed the said application vide impugned order dated 28-01-2019.

3. Aggrieved with the said order, accused/applicant filed the present revision mainly on the grounds that learned trial Court has passed the order without considering the legal position. The rifle is likely to be damage in police station without proper care. The licence can not be renewed without getting custody of licence and rifle, but learned trial Court failed to appreciate the facts properly and passed the impugned order. On these grounds he prayed for releasing the vehicle on supurdnama.

Question for determination in this revision is :-

Whether the order dated 28-01-2019, passed by learned trial

Court is not sustainable being contrary to law and facts and liable to be reversed?

4. Arguments heard and case file perused carefully and minutely.

5. As per the impugned order, the licence of the applicant for keeping the arms is valid up to 05.02.2018. It means presently the applicant's licence is not valid for keeping the arms with him, In such a situation, in absence of the valid licence, delivery of custody of arms/ rifle will itself illegal. Therefore, the applicant/ revisionist is not found entitled for custody of the rifle. However, after considering validity date of the licence, the applicant can get it on supurdnama for renewal etc.

6. On the basis of the discussion made above, this Court is of view that this revision petition is liable to be partly allowed. Consequently, the same is partly allowed and the order dated 28-01-2019, passed by learned trial Court is hereby partly set aside qua non delivery of licence on supurdnama to the applicant. The learned trial Court is directed to give arm licence of applicant on Supurdnama to the applicant with one surety as per satisfaction of the trial Court and completion of all other formalities. The learned

trial Court may impose any other condition, if deems fit and proper as per the facts and circumstances of case.

Copy of this order be sent to Learned trial Court for compliance.

Case file of this revision be cosigned in the record room after due compliance.

Announced in the open court.

Date- 08-05-2019

At:- Raipur

(Suresh Joon)
IInd Addl. Judge to the Ist
Additional Sessions Judge,
Raipur (C. G.)

Note:- All pages of this order are typed on my dictation and I have signed all the pages.

(Suresh Joon)
IInd Addl. Judge to the Ist
Additional Sessions Judge,
Raipur (C. G.)