

(1991) 03 AHC CK 0088
In the Allahabad High Court
Case No : Criminal Revision No. 951 of 1988

Chandra Shekhar Prasad Chaturvedi

APPELLANT

Vs

State of U.P. and another

RESPONDENT

Date of Decision : 13-03-1991

Acts Referred:

Arms Act, 1959 — Section 25
Criminal Procedure Code, 1973 (CrPC) — Section 452

Citation : (1991) 03 AHC CK 0088

Hon'ble Judges : B.P. Singh, J

Final Decision : Allowed

Judgement

1. The case of the applicant is that his rifle of 375 bore bearing No. 109330 was stolen from the house of his brotherinlaw Santosh Kumar in village Chandpur, Tahsil Khaga District Fatehpur. A report was lodged. Subsequently, the said rifle was recovered on 28.8.1986 from the possession of Udai Singh Yadav. Udai Singh Yadav was chargesheeted and tried for the offence punishable under Section 25 of the Indian Arms Act and Section 307 I.P.C. Udai Singh Yadav has been acquitted in both the cases. The applicant applied for the return of the rifle, but his application did not find favour with the court concerned.

2. The order of the learned Sessions Judge shows that the fact that the applicant Chandra Shekhar Prasad Chaturvedi was the owner of the rifle in question was not disputed. The only objection of the court was that he should have applied to the trial court.

3. The application is allowed. The rifle in question shall be returned to the applicant whenever he moves an application before the trial court concerned provided he still holds a valid licence for the same and is able to produce the licence before the trial Court. In case the licence has expired, the applicant is at liberty to apply to the District Magistrate concerned for the validation of the licence and at that time the trial court shall forward the rifle to the District Magistrate for perusal.

Application allowed.