

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.22399 OF 2000

DATED:4.8.2005

Between:

Sharif Hussain

...Petitioner

And

The Superintendent of Police, Ranga Reddy District, and
another

...Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.22399 of 2000

ORDER:

The petitioners claim to be agriculturists of Kothapet Village in Ranga Reddy District. They own large extents of lands. So as to protect their lands, it is alleged that, first petitioner obtained arms licence bearing Nos.9/6303 of 82 and 7702 and second petitioner obtained arms licence bearing No.639/Home/91. It is their case that though they have not contravened provisions of any law, second respondent came to their houses on 25.5.1998 and took away all the fire arms, in respect of which they have licence. It appears, they filed Writ Petition No.26104 of 1998 seeking a direction to the respondents to return the weapons and licences. This Court by order dt.14.12.1998 disposed of the said Writ Petition directing the Superintendent of Police, Ranga Reddy District, to dispose of the applications for release of the fire arms filed by petitioners. Accordingly, they filed applications before first respondent, who by Memo dt.20.8.1999 rejected the request. Aggrieved by two Memos issued separately in respect of two petitioners, present Writ Petition is filed.

Second respondent has filed a counter affidavit. It is alleged that on the intervening night of 24/25.5.1998 around 01.00 hours one Mohd. Bin Abdullah @ Baba was hacked to death by second petitioner and four others due to a land dispute. A crime being Crime No.83 of 1998 under Section 302 read with Section 34 of Indian Penal Code was registered on the file of Pahadishareef Police Station, and all the accused were arrested. The Trial is pending in Sessions Case No.422 of 1998. In view of the same, fire arms of both petitioners were seized by Police, Pahadishareef apprehending danger to the lives of opponents. It is also admitted that first petitioner is not involved in the murder case, but as he is brother of second petitioner, his fire arms are also seized on suspicion that they can use their fire arms to gain upper hand in the area.

Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Home.

Admittedly, only second petitioner is involved in Crime No.83 of 1998 which is now pending before the Sessions Court in S.C.No.422 of 1998. No case is registered against first petitioner. Therefore, there cannot be any legal sanction to seize the arms and arms licences of first petitioner. Insofar as second petitioner, who is accused in S.C.No.422 of 1998, is concerned, a reading of the counter affidavit would show that arms and arms licences are retained pending sessions trial.

Therefore, the Writ Petition is disposed of directing the respondents to release the arms and arms licences of first petitioner immediately. However, if the S.C.No.422 of 1998 is pending, in which second petitioner is accused, the arms and arms licences of second petitioner may be retained till the completion of the trial.

(V.V.S.RAO, J)

3.8.2005

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