IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

WRIT PETITION (CRIMINAL) NO. 422 of 2026

MOHAMMAD JAMAL

MOHAMMAD YUNUS ...PETITIONER (S)

VERSUS

THE STATE OF MAHARASHTRA ...RESPONDENT(S)

O R D E R

1. The present writ petition under Article 32 of the Constitution of India (hereinafter referred to as 'the Constitution') has been filed by the petitioner, primarily seeking a direction for release and return of his licensed revolver bearing License No.9040, NPB No. 4571 (Meja) which was seized in connection with FIR No. 2 of 2012 at Bazar Peth Police Station, Jalgaon, Maharashtra. The petitioner also seeks appropriate directions for expeditious disposal of the proceedings concerning the release of the said revolver which are pending before the Bombay High Court.

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Reason:

2. The facts giving rise to the present writ petition are as follows:

2.1. The petitioner is a private bodyguard by profession. He was granted an arms license bearing License No. 9040, NPB No. 4571. The revolver was seized during investigation of FIR No. 2 of 2012 under sections 307, 109, 201 read with section 34 of the Indian Penal Code, 1860 and sections 3 and 25 of the Arms Act, 1959. Petitioner was arrayed as accused No. 8 in the said case. It formed a part of the case property in Sessions Case No. 192 of 2012.

2.2. By judgment dated 11.03.2013, the Sessions Court acquitted all eight accused of the offences charged. It further directed that the items seized from the accused be returned after the expiry of the appeal period.

2.3. Petitioner filed an application under section 452 of the Code of Criminal Procedure, 1973 (for short, CrPC) dated 14.01.2014 seeking return of the revolver. He submitted that he was unable to secure employment anywhere without the revolver. He further expressed willingness to comply with any conditions that the Court may impose on him for its return.

2.4. By order dated 22.02.2015, Additional Sessions Judge rejected his application. The Court

declined to release the revolver in view of the pending appeal against the order of acquittal.

2.5. Aggrieved, the petitioner filed Criminal Application No. 4811 of 2014 under section 482 CrPC before the High Court praying for setting aside of order rejecting his application under section 452 CrPC and release of the revolver.

2.6. By order dated 09.03.2015, the High Court directed that the petitioner's application be kept along with the appeals against the judgment of acquittal. The said application and also the appeals have remained pending since 2014.

2.7. Aggrieved, the petitioner is here before us.

3. Heard learned counsel for the parties.

4. The principal grievance of the petitioner is that his licensed revolver continues to remain in the custody of the authorities despite his acquittal in the criminal trial. In addition to that, his application seeking its release has remained pending before the High Court for several years.

5. The High Court deferred the consideration of petitioner's application under section 482 CrPC and directed that the same be kept along with the appeals pending against the judgment of acquittal. It is important to note that the pendency of appeals by itself

does not determine petitioner's entitlement for the return of the revolver. Both the Courts below have failed to consider the application on its own merits, and instead allowed the pendency of appeals to impede its adjudication.

6. At this stage, it is imperative to take into consideration the prolonged time period for which the petitioner has been deprived of his licensed revolver. The revolver was seized in 2012 and the petitioner was acquitted by the Sessions Court on 11.09.2013. Despite the passage of more than a decade since his acquittal, the revolver continues to remain in the custody of the authorities.

7. Section 452 CrPC empowers the criminal court to pass appropriate orders regarding disposal of property at the conclusion of an inquiry or trial. The exercise of this power requires the court to ascertain whether the property ought to be returned or retained, having regard to the facts and circumstances of the case. The underlying principle of the provision, as recognized by this Court in several decisions, is that any seized property ought not to remain in the custody of the police or the court for any time longer than what is absolutely necessary. In the present case, the petitioner has been acquitted of all charges levelled against him, and no material has been brought to our notice

indicating any other ground which may necessitate the continued retention of the revolver. In these circumstances, the mere pendency of appeals against acquittal cannot by itself justify withholding the return of the revolver, without examining the petitioner's claim on its merits.

8. The prolonged retention of the revolver has also had consequences for petitioner's livelihood. He is employed in the private security sector and possession of the revolver is necessary for him to secure employment in that field. The record also reflects that he is responsible for maintaining a family of six members. Having been deprived of his revolver since 2012, the petitioner has been left to contend with the consequences of its continued retention for over a decade. The application for its return has remained undecided on merits throughout this period.

9. In view of the foregoing, we are of the considered view that the continued retention of the revolver is not warranted in the facts and circumstances of the present case. Mere pendency of appeal against acquittal, cannot by itself, justify its continued retention.

10. Accordingly, the writ petition is allowed. The respondent-State is directed to take necessary steps to

ensure that the custody of the revolver bearing License No.9040, NPB No. 4571 is handed over to the petitioner, subject to compliance with the applicable requirements under the Arms Act, 1959. The same shall be done within eight weeks from the date of receipt of this order.

11. In view of the directions issued hereinabove, Criminal Application No. 4811 of 2014 pending before the High Court of Judicature of Bombay at Aurangabad shall stand disposed of. Needless to say, this order shall not affect the proceedings in the pending appeal before the High Court.

12. Pending applications, if any, shall stand disposed of.

.....J.
[VIKRAM NATH]

.....J.
[R. MAHADEVAN]

.....J.
[APARESH KUMAR SINGH]

NEW DELHI;
OCTOBER 16, 2026