

(2009) 04 AHC CK 0263
In the Allahabad High Court

Santosh Kumar @ Banti

APPELLANT

Vs

State of U.P.and Others

RESPONDENT

Date of Decision : 27-04-2009

Acts Referred:

Citation : (2009) 04 AHC CK 0263

Hon'ble Judges : Arun Tandon, J

Final Decision : Dismissed

Judgement

Arun Tandon, J.

Petitioner before this Court was granted firearm license. His firearm license was cancelled under an order of the District Magistrate, Farrukhabad dated 26/11/2007. Against the order so passed, the petitioner preferred an Appeal under Section 18 of the Arms Act being Appeal No. 119 of 2007. The appeal has also been dismissed under the impugned order of the Commissioner dated 31.03.2008. It is against this order that the present writ petition has been filed.

After hearing learned counsel for the parties and after examining the records of the present writ petition, this Court finds that the petitioner's firearm has been cancelled because of his involvement in Case Crime No. 309 of 2006 under Section 364 IPC, Case Crime No. 310 of 2006 under Section 307 and Case Crime No. 312 under Section 25 of the Arms Act. It has been recorded by the authorities that in the aforesaid criminal cases, charge against the petitioner is that he was involved in abduction of the complainant and unlicensed firearm was recovered from the petitioner during police encounter, therefore, petitioner was not a fit person to be permitted to retain the firearm.

I am of the considered opinion that the reasons recorded by the District Magistrate for cancelling the firearm licence, are legally justified.

At this stage counsel for the petitioner submits that there is every likelihood of the petitioner being acquitted in the criminal cases. Be that it may, it is provided that if the petitioner is acquitted in the aforesaid criminal cases, he will be at

liberty to make a fresh application for grant of firearm license.
With the aforesaid observations, the writ petition is dismissed.