
(2003) 11 AHC CK 0082
In the Allahabad High Court
Case No : C.M.W.P. No. 51654 of 2003

Shivji Kunwar

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 21-11-2003

Acts Referred:

Arms Act, 1959 — Section 13(2)
Constitution of India, 1950 — Article 226

Citation : (2004) 1 AWC 501

Hon'ble Judges : Anjani Kumar, J

Bench : Single Bench

Advocate : K.S. Rathore and Mrigraj Singh, for the Appellant;

Final Decision : Dismissed

Judgement

Anjani Kumar, J.—Heard learned counsel for the petitioner and learned standing counsel in opposition of the writ petition.

2. Petitioner aggrieved by an order, dated 10.11.2003, whereby petitioner's firearm licence has been suspended and the petitioner has been directed to deposit his firearm with the local police station by the licensing authority pending proceedings for cancellation of firearm licence. The order further directs the petitioner to appear before him on 25.11.2003 and to show cause as to why his licence should not be cancelled.

3. From the perusal of the impugned order, it is clear the petitioner's firearm licence has been suspended during the pendency of the proceedings for cancellation of the firearm licence.

4. Learned counsel for the petitioner has relied upon a Full Bench decision of this Court in Chhanga Prasad Sahu v. State of Uttar Pradesh and Anr. 1984 (10) ALR 223 (FB), in the case in Kailash Nath and Ors. v. State of U.P. and Ors. (II) 1985 ACC 353, and several other decisions of learned single Judge and submitted that in view of the law laid down by the decisions referred to above, the licensing

authority cannot suspend petitioner's firearm licence during the pendency of the proceedings for cancellation of the firearm licence.

5. In my opinion, this law is not applicable to the facts of this case because in the cases referred to by the learned counsel for the petitioner, the licence was cancelled for indefinite period but in the present case, the licensing authority has suspended licence asking the petitioner to appear before him on 25.11.2003 to show cause as to why his licence be not cancelled which has yet not come, is self indicative of the fact that the licence has been suspended for a definite period, i.e., upto 25.11.2003 meaning thereby the petitioner may file reply to the show cause notice on 25.11.2003 on which some order will be passed.

6. In view of the above discussion, this writ petition, at this stage, is premature and is dismissed as such. However, it made clear that if the petitioner appears before the licensing authority on 25.11.2003 and submits reply to the show cause notice, the licensing authority shall pass order in accordance with law with regard to suspension of the petitioner's firearm licence.