
(2013) 04 BOM CK 0103
In the Bombay High Court
Case No : Criminal Writ Petition No. 83 of 2013

Shri Ajitpalsingh

APPELLANT

Vs

The State of Maharashtra and Others

RESPONDENT

Date of Decision : 25-04-2013

Acts Referred:

Arms Act, 1959 — Section 14

Citation : (2013) ALLMR(Cri) 2392

Hon'ble Judges : R.C. Chavan, J;Prasanna B. Varale, J

Bench : Division Bench

Advocate : G.N. Khanzode, for the Appellant; T.A. Mirza, Additional Public Prosecutor, for the Respondent

Final Decision : Allowed

Judgement

R.C. Chavan, J.—This petition was directed to be listed for final hearing at admission stage by order dated 1.3.2013 and accordingly, it has been finally heard at admission stage. The petitioner has questioned the orders passed by the respondent No. 2 Commissioner of Police, Amravati and maintained upon appeal by respondent No. 1 Government of Maharashtra rejecting the petitioner's request for grant of an arms licence. The petitioner had first applied for getting arms licence on 26.11.2001. This application was rejected by order dated 2.8.2003 mentioning that after perusal of the application and enquiry conducted by the officers, the prayer was rejected. The petitioner applied to the State Government which remitted the matter back by order dated 17.6.2009. The Assistant Commissioner of Police, Rajapeth Division recommended to the Police Commissioner by letter dated 3.6.2010 that the petitioner should be granted an arms licence. However, again by one line order dated 29.6.2010 without giving any reasons the Commissioner rejected the petitioner's request. The petitioner again filed an appeal before the State Government and the State Government remitted the matter back to the Commissioner by order dated 21.9.2011. The Commissioner of Police again rejected the request by one line

order dated 19.12.2011 and the petitioner again approached the State Government. This time, the appeal was heard by the Hon"ble Minister of State for Home who recorded that after hearing the appellant and the police officers present and perusing the document which police officers had presented, he came to the conclusion that the petitioner was not in need of any arms licence and, therefore, dismissed the appeal. This is why the petitioner is before us.

2. We have heard the learned Counsel for the petitioner and the learned A.P.P. for the respondents. None of the orders passed disclose any reasons for rejection of the prayer of the petitioner for grant of licence. Even in the reply filed, all that is stated is that reasons mentioned in the application were not proper. What was not proper about the reasons is not clarified. In view of this, the impugned orders must go. Sub-section (3) of Section 14 of the Indian Arms Act, 1959 categorically requires the Licensing Authority to record reasons in writing and furnish to the person concerned a brief statement of the same unless the Licensing Authority is of the opinion that it will not be in public interest to furnish such statement. Far from recording any reasons in writing, the Authority has repeatedly been content with passing one line orders which cannot at all be upheld. In view of this, the petition is allowed. The impugned orders are set aside. The respondent No. 2 Commissioner of Police shall decide the petitioner's application for licence afresh by giving reasons and complying with the requirements of sub-section (3) of Section 14 of the Indian Arms Act, 1959 within a period of four weeks from the receipt of the order of this Court.