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**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

**BEFORE
HON'BLE SHRI JUSTICE VIVEK AGARWAL
ON THE 25th OF NOVEMBER, 2022**

WRIT PETITION No. 23728 of 2018

BETWEEN:-

**RAJESH KUMAR SINGH S/O PREM BAHADUR
SINGH, AGED ABOUT 50 YEARS, OCCUPATION:
AGRICULTURIST AND CONTRACTOR VILL.
NAUGAI, P.S GADWA, (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI PUSHPRAJ SINGH GAHARWAR, ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH THROUGH
SECRETARY HOME DEPARTMENT
MANTRALAYA, VALLABH BHAWAN, (MADHYA
PRADESH)**
- 2. THE COMMISSIONER REWA DIVISION DISTT-
REWA (MADHYA PRADESH)**
- 3. THE DISTRICT MAGISTRATE/COLLECTOR
SINGRAULI DISTT-SINGRAULI (MADHYA
PRADESH)**
- 4. THE SUPERINTENDENT OF POLICE SINGRAULI
DISTT-SINGRAULI (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI MANAS MANI VERMA, GOVERNMENT ADVOCATE)

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*This petition coming on for admission and interim relief this day, the
court passed the following:*

ORDER

This writ petition is filed by the petitioner being aggrieved of order dated 10.08.2018 passed by the Court of Commissioner, Rewa Division, Rewa in case No.44/Appeal/17-18, whereby petitioner's appeal under Section 18 of the

Arms Act, 1959, which was filed by him being aggrieved of the action of the District Magistrate in passing order dated 29/05/2017 in case No.197/B-121/2016-17, revoking licence No.26159-03 granted in favour of the petitioner, was dismissed on the ground that recommendation was made by the Superintendent of Police, Singrauli vide his letter dated 23/02/2017 to not to restore arms licence of the petitioner.

2. Learned counsel for the petitioner, in his turn, submits that provisions of Section 17(3) of the Arms Act provides the circumstance for variation, suspension and revocation of licences. It reads as under:-

(a) if the licensing authority is satisfied that the holder of the licence is prohibited by this Act or by any other law for the time being in force, from acquiring, having in his possession or carrying any arms or ammunition, or is of unsound mind, or is for any reason unfit for a licence under this Act; or

(b) if the licensing authority deems it necessary for the security of the public peace or for public safety to suspend or revoke the licence; or

(c) if the licence was obtained by the suppression of material information or on the basis of wrong information provided by the holder of the licence or any other person on his behalf at the time of applying for it; or

(d) if any of the conditions of the licence has been contravened; or

(e) if the holder of the licence has failed to comply with a notice under sub-section (1) requiring him to deliver-up the licence.

3. It is submitted that registration of a criminal case against the petitioner under the provisions of Sections 420, 467 and 471 of I.P.C. in Crime No. 3/2010 is a sufficient circumstance to revoke the licence.

4. Reliance is placed on the judgment of co-ordinate Bench in case of **Abdul Saleem Vs. State of M.P. and others, 2019 (3) M.P.L.J. 332** to buttress the claim that unless it is brought on record that the act of the petitioner is affecting public at large or community and public safety or public tranquility is in peril then, mere registration of one criminal case against the licence holder is not sufficient reason for revocation of the licence without application of mind and, therefore, revocation of the arms licence was set aside.

5. Learned Panel Lawyer supports that action of the authorities and submits that no indulgence is required.
6. After hearing learned counsel for the parties and going through the provisions contained in Section 17(3) of the Arms Act, 1949, as reproduced above, so also the judgment of co-ordinate Bench in case of **Abdul Saleem** (supra), I am of the opinion that impugned orders having failed to take into consideration the law laid down by co-ordinate Bench of this Court in **Abdul Saleem** (supra) and it appears to be a clear case of non-application of mind, therefore, impugned orders cannot be sustained in the eyes of law.
7. In view of above, writ petition is allowed and impugned orders are set aside.
8. It is directed that the petitioner's gun licence be restored to him, if he is not required in any other case within a period of thirty days from the date of receipt of certified copy of this order.

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(VIVEK AGARWAL)
JUDGE