

Court No. - 8

Case :- WRIT - C No. - 1000655 of 2013

Petitioner :- Sudhir Shukla Objection Filed

Respondent :- State Of U.P. Thru Secy. Home Civil Sectt. Lucknow And Others

Counsel for Petitioner :- Anoop Kumar Upadhyay

Counsel for Respondent :- C.S.C.

Hon'ble Pankaj Bhatia,J.

1. Heard Shri Abhishek Mishra, Advocate holding brief of Shri Anoop Kumar Upadhyay, learned counsel for the petitioner and learned Standing Counsel for the State.

2. Present petition has been filed by the petitioner challenging the order dated 22.07.2011, whereby the arms license granted to the petitioner was cancelled as well as the appellate order dated 23.05.2012 whereby the appeal was dismissed. The allegation against the petitioner, holder of the arms license was that he had given the arm to another person and, thus, the continuance of license in favour of the petitioner was not justified. In the report, which led to the passing of the cancellation order, reference to case crime no.269 of 2011 under Section 188 I.P.C. was also made. The appellate authority also dismissed the appeal by holding that the petitioner was guilty of keeping his arm in possession of another person which cannot be termed as a respectful behaviour.

3. Contention of counsel for petitioner is that the cancellation of arm can happen only when the conditions specified under Section 17 (3) of Arms Act are met.

4. In the present case, even assuming for the sake of argument, that the petitioner has handed over his arm to another person would not attract any limitation as prescribed under Section 17 (3) of the Arms Act. Reasoning as contained in the impugned order are clearly contrary to the mandate of Section 17 (3) of Arms Act as such the impugned orders cannot stand and, therefore, the order dated 22.07.2011 as well as the appellate order dated 23.05.2012 are hereby ***quashed***.

5. Respondents are directed to restore the arms license of the petitioner in accordance with law within a period of two months.

6. Petition is ***disposed of*** in the aforesaid terms.

Order Date :- 23.11.2023/-Amit K-