

Court No. - 8

Case :- WRIT - C No. - 621 of 2023

Petitioner :- Naseer

Respondent :- State Of U.P. Thru. Prin. Secy. Home, Civil Sectt. U.P.
Govt. Lko. And 3 Others

Counsel for Petitioner :- Satish Kumar Sharma

Counsel for Respondent :- C.S.C.

Hon'ble Pankaj Bhatia, J.

1. Supplementary affidavit filed today in Court is taken on record.

2. Present petition has been filed by the petitioner challenging the order dated 28.10.2020 whereby arms license of the petitioner was cancelled solely on the ground that the petitioner was involved in Case Crime No.370 of 2018 under Section 307/323/504/506 IPC. The appeal preferred by the petitioner was also dismissed vide order dated 25.05.2022. Both the said orders are under challenge.

3. Contention of learned counsel for the petitioner is that there is a wrong mention of Section 307 IPC in the cancellation order on the ground that the petitioner was implicated in two cases being Case Crime No.392 of 2017 under Section 386/506 IPC as well as NCR No.382 of 2017 under Section 323, 504 & 506 IPC.

4. Contention of learned counsel for the petitioner is that the final report has been filed in favour of the petitioner in Case Crime No.392 of 2017, which has been filed alongwith the supplementary affidavit today. He argues that even otherwise, merely because the petitioner is implicated in a criminal case, the same would not be a ground for cancellation of the arms license in exercise of powers under Section 17 of the Arms Act. He places reliance on a judgment of this Court in the case of ***Ram Murti Madhukar v. District Magistrate, Sitapur; 1998 (3) AWC 2191.***

5. Considering the fact that the sole case against the petitioner has resulted in a final report in favour of the petitioner and considering the law as rightly laid down in the case of ***Ram Murti Madhukar (supra)***, the impugned orders dated 28.10.2020 & 25.05.2022 are quashed. The arms license of the petitioner is restored.

6. The writ petition is ***allowed*** in above terms.

Order Date :- 17.10.2023/nishant