

Court No. - 8

Case :- WRIT - C No. - 1006270 of 2014

Petitioner :- Rajendra Kumar

Respondent :- Commissioner Lucknow Division Lucknow And Another

Counsel for Petitioner :- Har Bansh Singh, Hemant Kumar Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the petitioner, learned Standing Counsel and perused material available on record.
2. The present petition has been filed challenging the order dated 10.09.2013 whereby the arms licence of the petitioner was cancelled as well as the appellate order dated 03.09.2014 whereby the appeal preferred against the said order came to be dismissed.
3. The facts in brief are that the petitioner was granted an arms licence, subsequently proceedings were initiated for cancellation of the arms licence mainly on the ground that the petitioner had obtained the arms licence by concealing the fact that the petitioner was implicated in Case Crime No.370 of 1999 registered against him under Section 224 of the I.P.C.
4. The contention of the learned counsel for the petitioner is that the petitioner did not disclose about the said offence while applying for arms licence only on the ground that the case was of a trivial nature and would have no material bearing on his application for grant of arms licence. Despite the said cancellation order came to be passed against the petitioner. The petitioner preferred an appeal against the said order and in the said appeal took a ground that the petitioner had been acquitted in Case Crime No.370 of 1999 by virtue of a judgment passed in favour on 02.11.2011, as such, the cancellation order deserved to be recalled.
5. The appellate authority by means of specific order quashed the cancellation order and remanded the matter through its judgment dated 02.01.2013 for fresh adjudication.
6. In terms of the said remand order, a fresh report was summoned on 04.07.2013 in view of the observations made by

the appellate authority that the character certificate be obtained in respect of the licensee.

7. In terms of the fresh report submitted on 04.07.2013, it was found that the petitioner enjoys a good character and no case was registered against the petitioner subsequently however, placing reliance on the earlier report dated 29.05.2011 to the effect that the petitioner was residing at his maternal grand mother's house whereas his parental house is situated elsewhere and the petitioner had concealed the fact of him being implicated in Case Crime No.370 of 1999 under Section 224 IPC and although the petitioner has been acquitted in the said case, a view was found as the petitioner had obtained the licensee by concealing the facts, the licence deserves to be quashed.

9. The appeal preferred against the said order was also dismissed by the appellate authority through its order dated 03.09.2014.

10. The contention of the learned counsel for the petitioner is that the infractions of the petitioner in not disclosing the factum of Case Crime No.370 of 1999 while applying for the arms licence would not be such a concealment so as to deny the right of entitlement for arms licence as the alleged suppression could not be termed as suppression of material information. He stresses that the suppression/ wrong information should be 'material' to grant or denial of an arms licence. He further argues that in any case, the petitioner was acquitted of the said minor offence also which fact ought to have been considered.

11. Learned Standing Counsel argues that as the petitioner had concealed the information which would were required, no error has been committed by the authorities in cancelling the licence, as such, the writ petition deserves to be dismissed.

12. Be that as it may be, the fact reveals that the ground taken against the petitioner was concealment of material information. It is also apparent from record that the Case Crime No.370 of 1999 has come to an end and the petitioner has been acquitted. It is also transpires from the record that the petitioner had enjoyed good reputation as is indicated and is a part of the report dated 04.07.2013, as such, the concealment would be termed as a minor infraction.

13. In view thereof, the present petition is **disposed** off permitting the petitioner to apply a fresh for grant of arms licence. As sufficient time has already elapsed, the respondent authority shall process the application if so filed, after obtaining

afresh report in accordance with law. However, the cancellation orders dated 10.09.2013 and appellate authority dated 03.09.2014 shall not come in the way of deciding the application.

14. It is further clarified that a fresh application shall not be dismissed on the ground that earlier orders have been passed against the petitioner.

15. The petition stands **disposed** off in terms of the said order.

Order Date :- 16.12.2023

Raj