

Court No. - 1

Case :- SPECIAL APPEAL DEFECTIVE No. - 781 of 2023

Appellant :- Laxmi Narayan Shukla

Respondent :- State Of U.P. Thru. Prin. Secy. Home Deptt. Govt. Of U.P.
Civil Secr. Lko. And Others

Counsel for Appellant :- Alok Kumar Tripathi

Counsel for Respondent :- C.S.C.

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Om Prakash Shukla,J.

(C.M. Application No.1 of 2023)

1. Having regard to the averments made in the affidavit filed in support of the application seeking condonation of delay, we are satisfied that the delay has sufficiently been explained.
2. Accordingly, the application is allowed and delay in filing the special appeal is hereby condoned.

Order on Memo of Appeal

3. Heard learned counsel for the appellant and learned Standing Counsel for the State.
4. This intra-court appeal has arisen out of the judgement/order dated 07.07.2023 passed in Writ-C No.4526 of 2022.
5. The writ petition filed by the petitioner assailing the order of cancellation of arms license was dismissed on the ground of grave objections set out in the show cause notice. A criminal case has also come to be registered against the appellant alongwith other family members. The show cause notice has also imputed the misuse of firearm in a manner that it violates conditions of license.
6. The appellant does not appear to have denied the grave allegations made in the show cause notice while submitting his reply before the competent authority.
7. It is under such circumstances the writ court had

proceeded to consider the rival contentions of the parties and has finally opined that the case for interference in exercise of the writ jurisdiction was not made out and consequently the writ petition was dismissed.

8. We have carefully gone through the judgement/order passed by the writ court and in our humble consideration the opinion expressed in the writ court order does not require further scrutiny on any aspect of the matter. The appeal being bereft of any merit is accordingly dismissed.

9. However, it shall be open to the appellant to make a fresh application for the grant of firearm license on conclusion of all the proceedings favourably, if any.

Order Date :- 12.10.2023

Shahnaz