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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 9582/2024 & CRL.M.A. 36781/2024**

OSAMA SHAHID

.....Petitioner

Through: Mr Anupam S Sharma, Adv. (through VC) with
Mr Anurag Andley, Mr Aditya Andley, Ms
Ritvika Poswal, Mr Tanmay Gupta, Mr Sahil
Nagar and Mr Prakarsh Airan, Advs.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr Aman Usman, APP for State
SI Navneet Yadav, PS-Connaught Place

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

20.12.2024

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1. This is a petition seeking quashing of FIR No. 18/2021, under Section 25 Arms Act, 1959 registered at PS Connaught Place and consequential proceedings, if any, emanating therefrom.
2. In the present case, the FIR was registered against the petitioner under Section 25 of Arms Act as the petitioner was found in possession of two buttondar knives.
3. It is stated by Mr Sharma, learned counsel for the petitioner that the present case is squarely covered by the judgment of *Irfan Khan v. State (NCT of Delhi)*, [(SLP CrI No. 12510/2023) (2024 INSC 924)].
4. The same is disputed by Mr Usman, learned APP who states that the case relied upon by the petitioner is distinguishable as in *Irfan Khan (supra)*, the petitioner therein was found in possession of one knife whereas in the present case the petitioner had two knives in his possession and hence,



there could be valid presumption that it was for sale.

5. He further relies on Section 25(1-A) and (1-B) of the Arms Act to contend that the said amendments came into existence in 1988 i.e. after the DAD notification of 29.10.1980 and hence by virtue of these amendments to Section 25 of Arms Act, the possession of a prohibited arm also is an offence within the meaning of Section 25 read with Section 4 of the Arms Act.

6. I have heard learned counsel for the parties.

7. In the present case, the abovesaid judgment of the Hon'ble Supreme Court i.e. *Irfan Khan (supra)* is clear in its ambit, scope and extent. In para 5 of the said judgment, the Hon'ble Supreme Court has stated that while relying on Category V of Schedule I (Part A) of the Arms Rules, 2016, it is only a knife having a blade length more than 9 inches and width more than 2 inches is within the purview of offence under the Arms Act. The said paragraph is quoted below:-

“5. As per Rule 3 read with Category V of Schedule I (Part A) of the Arms Rules, 2016, possession of a knife having blade length of more than 9 inches (22.86 cms) and width of more than 2 inches (5.08 cms) has been brought within the purview of an offence under the Arms Act and the Arms Rules.....”

8. Admittedly, in the present case both the knives did not have a blade longer than 9 inches and wider than 2 inches. Hence, the dimensions of both the knives were lesser than one provided in the Statute or the Rules. The notification dated 29.10.1980 has reduced the length of the knife with a proviso that carrying of knives/sharp weapons of a lesser blade would be an offence provided they are meant for manufacture or sale/test. The said



notification reads as under:

Case File (25/54/59 Arms Act) (Knife)
Notification regarding length and breadth of Knife
DAD Notification
(To be Published in Part IV of Deli Gazette)
(Extra Ordinary)
Delhi Administration, Delhi
Notification

Dated the 29th October, 1980

No. F/13/451/79-Home (G) - Whereas the administration is of the opinion that having regarding to the circumstances prevailing in the Union Territory of Delhi is necessary Appointed Date expedient in the public interest, "to regulate the manufacture sale or possession for sale or test the spring actuated knives, gararidar knives, bottondar knives and other knives which open or close with any other mechanical device with a sharp edge blade of 7.62 Cms, or more in length and 1.72 cms or more in breadth in the Union Territory of Delhi.

Now, therefore in exercise of the powers under rule 19 of the Arms Rules, 1962 read with the Govt. of India, Ministry of Home Affairs Notification No. 2/2/69-UTL(ii) dt. 21st June, 1969, the Administrator Delhi is pleased to direct that "no person in the Union Territory of Delhi shall manufacture, sale or possess for sale or test spring actuated knives, gararidar knives, bottondar knives and other knives which open or close with any other mechanical device with a sharp edge blade of 7.62 Cms, or more in length and 1.72 Cms or more in breadth in the Union Territory of Delhi" unless he hold a licence issued in accordance with provisions of the Arms Act, 1959 (No. 64 of 1959) and Arms Rule, 1962 framed thereunder with effect from the publication of this Notification in Delhi Gazette.

Sd/-

(Nathu Ram)

Deputy Secretary, Home (G)

Delhi, Administration, Delhi

No. F-13/451/179 (Home General) dt. 29.10.1980

This is necessary to be included in the case file."



9. In the charge-sheet, there is no allegation that the knives found in the possession of the petitioner were for manufacture or for sale or test. The status report handed over in Court today also does not indicate that the possession of the knives were within the mischief of DAD notification being “manufacture, sale or possessed for sale or test”.

10. In this view, the offence under Section 25 of Arms Act is not made out against the petitioner. The respondent cannot improve the case in evidence which has already been set out in the chargesheet.

11. The arguments of learned APP that the DAD is deemed to be amended in view of inclusion of Section 25 [1-A] and [1-B] of Arms Act is not relevant for the purpose of adjudication as the aforesaid judgment of Hon’ble Supreme Court i.e. *Irfan Khan (supra)* has already dealt with the issue in hand and has observed that DAD notification would only be applicable when the recovered knife is meant for the specified reasons i.e., “manufacture, sale or possession for sale or test” as indicated in the DAD notification. As noted above, there is no averment in the chargesheet of the same. Hence, even taking the best case of the prosecution, the offence under Section 25 Arms Act is not made out in view of the reasons noted above.

12. For the said reasons, the FIR No. 18/2021 under Section 25 Arms Act, registered at PS Connaught Place and consequential proceedings, if any, emanating therefrom are hereby quashed.

13. The status report handed over in Court today is taken on record.

14. The petition is disposed of.

JASMEET SINGH, J

DECEMBER 20, 2024

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[Click here to check corrigendum, if any](#)