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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.912 OF 2015**

Sachin Vijay Pawar

... Petitioner

V/s.

The State of Maharashtra and ors

.... Respondents.

Mr. Umesh R. Mankapure, Advocate, for the Applicants.
Mrs. A. S. Pai, A.P.P., for the Respondent-State.

**CORAM : SMT. V.K. TAHILRAMANI &
DR. SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 11TH AUGUST, 2015.

P.C. :

1. Heard learned counsel for the petitioner and learned APP for the State.
2. Rule. By consent rule is made returnable forthwith.
3. The petitioner has prayed to quash and set aside the order dated 1.9.2014, passed by the learned Divisional Commissioner, Pune, in Arms/Appeal/SR/58/2013 arising out of order dated 02/02/2013 passed by learned District Magistrate in

Gruh-1/Karya-6/POL/RR-25/25/2013.

4. The brief facts of this case are that the grand-father of the petitioner had a gun for which he had a license. The licence was thereafter transferred in the name of father of the petitioner. As the father of the petitioner is of old age and is unable to look after the agricultural operations and other work, and the gun was required to protect the crops etc therefore, the petitioner has preferred an application for transfer of licence of gun to his name.

5. The application was sent to the Police Inspector of Islampur Police Station, District: Sangli, to submit his report thereon. The Police Inspector, Islampur Police Station gave favourable report. Then the papers were forwarded to S.D.P.O. Islampur Division, who also gave favourable report. Thereafter the papers were forwarded to Local Crime Branch Sangli. The Police Inspector of Local Crime Branch Sangli, also gave favourable report. However, thereafter the Superintendent of Police did not recommend the said application. Thereafter the District Magistrate, Sangli, rejected the application of the petitioner. Being aggrieved, the petitioner preferred appeal

before the Divisional Commissioner, Pune, who dismissed the appeal, by order dated 1.9.2014.

6. Only two reasons for rejection of the application of the petitioner are given. The first reason is that the petitioner did not take training from Government recognized institute in relation to firing of gun and the second reason is that the Superintendent of Police did not recommend the said application .

7. It is admitted fact that the petitioner as well as his father has a clean record. The petitioner has already taken training in relation to firing of gun, however, the said training was not from Government recognized institute. The learned APP, on instructions from Mrs. Rupali Sarnobat, Tahsildar Walva, Islampur, District: Sangli, states that there is Government recognized institute by name Shanti Niketan, which is situated at Sangli where the petitioner resides. The learned counsel for the petitioner states on instructions that the petitioner will take necessary training from Shanti Niketan Institute at Sangli.

8. Looking to the fact that the petitioner has a clean record and the fact that Police Inspector, Islampur, S.D.P.O. Sangli Division and Police Inspector Local Crime branch, Sangli

have recommended that the application of the petitioner for transfer of gun licence be granted. We see no good and convincing reason why the application of the petitioner for transfer of gun licence has been rejected. We find that the application of the petitioner has been rejected on specious ground. In this view of the matter, the order of Superintendent of Police, Sangli and the order dated 1.9.2014, passed by Divisional Commissioner, Pune Division, Pune are quashed and set aside. If the petitioner undergoes necessary training from Shanti Niketan Institute in relation to firing of gun and on production of the said certificate, the learned District Magistrate, Sangli to allow the application for transfer of licence in the name of the petitioner.

9. The rule is made absolute in above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.] [SMT. .V. K. TAHILARAMANI, J.]