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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8994 OF 2015**

Dr. Suresh Tatoba Mane	Petitioner
Vs.	
The State of Maharashtra and Ors.	Respondents

Dr. Suresh T. Mane, Petitioner in person.
Mr. V.S. Gokhale, AGP, for the Respondent Nos.1 to 3 State.

**CORAM : A.S. OKA &
 V.L. ACHLIYA, JJ.**

DATE : 14th OCTOBER, 2015

P.C.

. **Not on board. Taken on board.**

. Heard the Petitioner appearing in person and the learned AGP for the Respondents. The Petitioner made an application by invoking Sections 13 and 14 of the Arms Act, 1959 (for short 'the said Act') for grant of a License to possess revolver/ pistol. The said application was rejected by order dated 20th March, 2014 passed by the Deputy Police Commissioner. An Appeal was preferred under Section 18 of the said Act by the Petitioner. By the impugned order dated 27th July, 2015, the Appeal has been dismissed.

2. The case made out by the Petitioner is that he holds a Doctorate degree in Law of Mumbai University and he has been Head of the Department of Law of the University of Mumbai. It is his contention

that he has been working as an office bearer of a political party for last several years. His contention is that as the office bearer of the political party, he has to visit different parts of the State. His contention is that there is a risk to his life when he travels to certain areas.

3. We have perused the order of the Appellate Authority. The order runs into only four short paragraphs. Only reason recorded by the Appellate Authority is that the Appellant has not established that there is a danger to his life.

4. The order does not reflect consideration of the documents relied upon by the Petitioner as well as relevant record produced by the Police. Even reasons in brief have not been recorded by the Appellate Authority for coming to the conclusion that the Appellant has failed to established his apprehension. Going by the order of the Appellate Authority, this is not a case where Police found anything adverse against the Petitioner. Only contention recorded in the order of the Appellate Authority is that the contention of the Police Officer present was that there is no danger to the life of the Petitioner.

5. In our view, the Appellate Authority has failed to perform its duty. The Appellate Authority was expected to consider the documents placed before it and record brief reasons for the conclusions arrived at. What is recorded is only the conclusion in one sentence.

6. Hence, we pass the following order :-

ORDER

(i)The impugned order dated 27th July, 2015 is hereby set aside. Appeal dated 10th July, 2014 preferred by the Petitioner is restored to the file of the Appellate Authority;

(ii)We direct the Petitioner to appear before the Appellate Authority on 21st October, 2015 at 3.00 pm;

(iii)The Appellate Authority shall decide the Appeal afresh in the light of the observations made by this Court as expeditiously as possible and preferably within a period of six weeks from 21st October, 2015;

(iv)Subject to what is observed above, all contentions on merits are kept open;

(v)Petition is partly allowed on above terms;

(vi)Parties to act upon an authenticated copy of this order.

(V.L. ACHLIYA, J)

(A.S. OKA, J)