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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3545 OF 2015

Abdul Wahid Khan

..Petitioner.

V/s.

State of Maharashtra and Ors.

..Respondents

Mrs. Mallika Ingale for the petitioner.

Mrs. S.V. Sonavane, A.P.P. For the State.

**CORAM : RANJIT MORE AND
V.L.ACHLIYA, JJ.**

DATED : 22nd DECEMBER, 2015

P.C. :-

Heard the learned counsel for the petitioner and the learned APP for the State.

2. By this petition filed under Article 226 of the Constitution of India, petitioner is challenging the orders passed by the Deputy Commissioner of Police and Hon'ble Minister for State in the Appeal whereby the petitioner's arm licence was suspended with a direction to deposit the arm in the office of the Police Commissioner.

3. The Petitioner's licence was suspended on the ground that there are four CRs registered against him during the period from 2002 to 2013. Admittedly the orders are passed after granting

liberty to the petitioner to show cause.

4. The learned counsel for the petitioner does not dispute that there are four CRs pending against the petitioner. She also does not dispute that some of the charges against the petitioner are serious. She however, contends that after the year 2008, arm licence was renewed and when CR of 2013 was registered, the arm was deposited with M/s. Benson for repairs. We are not impressed by the submission. The armed licence seems to have been issued to the petitioner under section 200 in the year 2000 by Authority in the state of Uttar Pradesh. During the span of 13 years, the petitioner is alleged to have committed four offences in Mumbai. In the circumstances, the decision taken by the Deputy Commissioner of Police to suspend the petitioner's licence pending the outcome of the said cases cannot be termed as illegal, improper or arbitrary. If the petitioner is acquitted in above said cases, the impugned order can be reviewed. Therefore, the decision of authority calls for no interference in exercise of jurisdiction under Article 226.

5. The learned counsel for the petitioner relied upon the decision of the Single Judge of Allahabad High Court in the case of **Kailash Nath and Ors. Vs. State of U.P. And Anr.**¹ and especially the observations made in para 4 in the said judgment.

¹ AIR 1985 All 291

The learned Single Judge of the Allahabad High Court observed that the orders refusing to renew a licence or withdrawal or cancellation of an existing licence, share an entirely different legal complexion. They are more serious matters than mere refusal to grant a licence in the first instance. The ruling cited have bearing on the facts of the case in hand. In the present case the petitioner's licence is not withdrawn or cancelled. The armed licence is merely suspended, that too, till the outcome of the criminal cases pending against him. The decision of the authority cannot be termed as arbitrary as the same is supported by valid reasons and taken after affording due opportunity of hearing to petitioner. The observations in para 4 therefore, are not applicable to the present case. Taking into the consideration the facts and circumstances, we are not inclined to entertain this petition. The writ petition is accordingly dismissed.

(V.L.ACHLIYA,J.)

(RANJIT MORE,J.)