

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

WP(C).No. 1666 of 2015 (G)

PETITIONER(S):

**AKBAR. K.A., AGED 40 YEARS,
S/O. LATE ABDUL KAREEM, KUNNATH HOUSE,
EDAVILANGGU POST, KODUNGALLUR,
THRISSUR DISTRICT.**

**BY ADVS.SRI.A.JAYASANKAR,
SRI.C.V.MANUVILSAN,
SRI.MANU GOVIND,
SRI.S.SABARINADH.**

RESPONDENT(S):

- 1. DISTRICT COLLECTOR, THRISSUR,
CIVIL STATION, AYYANTHOLE, THRISSUR - 680 001.**
- 2. STATE OF KERALA,
REPRESENTED BY THE LAND REVENUE COMMISSIONER,
THIRUVANANTHAPURAM - 695 001.**

BY GOVT. PLEADER SRI.GIKKU JACOB.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 07-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT-P1- TRUE COPY OF THE ARMS LICENCE OF THE PETITIONER FOR THE POSSESSION OF A .25 PISTOL OF WOBBLY AND SCOTT UNTIL 31/12/2009.
- EXHIBIT-P2- TRUE COPY OF THE INVESTIGATION REPORT IN CRIME NO. 295 OF 2007 OF KODUNGALLUR POLICE STATION.
- EXHIBIT-P3- TRUE COPY OF THE JUDGMENT BY THIS HONOURABLE COURT IN CRL.M.C. 2114/2008 DATED 26/09/2008.
- EXHIBIT-P4- TRUE COPY OF THE JUDGMENT OF ACQUITTAL IN C.C.1318/2004 DATED 31/01/2007 MADE BY THE JUDICIAL MAGISTRATE COURT.
- EXHIBIT-P5- TRUE COPY OF THE JUDGMENT BY THIS HONOURABLE COURT IN CRL.M.C. 98/2011 DATED 07/03/2011.
- EXHIBIT-P6- TRUE COPY OF THE ORDER DATED 05/03/2011 REJECTING THE RENEWAL OF EXHIBIT-P1 LICENCE PASSED BY THE 1ST RESPONDENT.
- EXHIBIT-P7- TRUE COPY OF THE ORDER PASSED BY THE 2ND RESPONDENT BY PROCEEDINGS DATED 05/07/2011.
- EXHIBIT-P8- TRUE COPY OF THE ORDER NO. C7-26910/2011/K.DIS PASSED BY THE ADDITIONAL DISTRICT MAGISTRATE DATED 05/01/2013.
- EXHIBIT-P9- TRUE COPY OF THE APPEAL MEMORANDUM PREFERRED BY THE PETITIONER AGAINST EXHIBIT-P8 ORDER WITHOUT ANNEXURE.
- EXHIBIT-P10- TRUE COPY OF THE ORDER NO. LRA 2-5842/2013 PASSED BY THE 2ND RESPONDENT DATED 21/11/2014.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 1666 of 2015

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Dated this the 7th day of September, 2015

J U D G M E N T

The petitioner approached this Court challenging the orders passed under the Arms Act, rejecting application for renewal of Arms license.

2. It is stated in Ext.P10 as follows:

“The District Police Chief, Thrissur Rural vide letter No.D2(b)/30367/12/R dated 22.11.2012 did not recommend the renewal of Arms license since the appellant is involved in Cr.No.295/07 u/s 143, 147, 148, 427, 452, 354 r/w 149 IPC. Cr.No.1269/10 u/s 294 (b) the I.P.C. and as the appellant was not residing in the said address.”

3. Based on the above, application has been rejected. It appears that the petitioner has shifted his residence.

4. Further it is to be noted that refusal can be made only on the basis of enumerated grounds u/s 14 of the Arms Act.

Sec.14 of the Arms Act are as follows:

“Refusal of licences.–(1) Notwithstanding anything in section 13, licensing authority shall refuse to grant–

(a) a licence under section 3, section 4 or section 5 where such licence is required in respect of any prohibited arms or prohibited ammunition;

(b) a licence in any other case under Chapter II,–

(i) where such licence is required by a person whom the licensing authority has reason to believe–

- (1) to be prohibited by this Act or by any other law for the time being in force from acquiring, having in his possession or carrying any arms or ammunition, or
- (2) to be of unsound mind, or
- (3) to be for any reason unfit for a licence under this Act; or
- (ii) where the licensing authority deems fit necessary for the security of the public peace or for public safety to refuse to grant such licence.
- (2) The licensing authority shall not refuse to grant any licence to any person merely on the ground that such person does not own or possess sufficient property.
- (3) Where the licensing authority refuses to grant a licence to any person it shall record in writing the reasons for such refusal and furnish to that person on demand a brief statement of the same unless in any case the licensing authority is of the opinion that it will not be in the public interest to furnish such statement.

5. It has been noted that there is a crime pending against the petitioner. The Authority has to verify whether crime would have an impact upon the renewal of license.

5. In view of the fact that the petitioner has already shifted his residence and the authority has to consider this aspect, in the light of Section 14 of the Arms Act. This Court is of view that the matter requires reconsideration. Accordingly, the impugned orders are set aside. Application shall be reconsidered taking note of the shifting of residence as well as adverting to Sec.14 of the Arms Act.

The writ petition is disposed of as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE

