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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3846 OF 2014

Sachin Satyavan Rawool ..Petitioner.

V/s.

State of Maharashtra and Anr. ..Respondents.

Mr.Subodh Joshi i/b. Mr.Sunil R. Yadav for the petitioner.

Mrs.M.M.Deshmukh, APP for respondent-State.

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

DATED : 22ND FEBRUARY, 2016

P.C. :-

1. By this petition filed under Article 226 of the Constitution of India and section 482 of the Indian Penal Code, the petitioner has challenged the order 17th February, 2014 passed by the Deputy Commissioner of Police, Mumbai (Headquarter-1) rejecting the application filed by the petitioner for grant of licence for Revolver / Pistol-III as well as order dated 5th August, 2014 passed in appeal by the Minister of State (Home), Maharashtra State, the appellate authority.

2. We have heard learned counsel for the petitioner

and learned APP for the State and further perused the impugned orders and also perused the record and proceedings.

3. It appears that the petitioner, who claims to be lawyer by profession, has submitted an application seeking licence to possess a Revolver / Pistol-III for personal security and safety. In the application filed, the petitioner has disclosed that as an lawyer, he had to deal with the matters pertaining to property / real estate within the city of Mumbai and out of Mumbai and, therefore, there is risk to his life. Pursuant to the application received, the authority conducted an inquiry and called for report from the concerned police station. On consideration of the reasons assigned for grant of licence and the report received in the matter, the competent authority had arrived at a decision that the petitioner has failed to give satisfactory reasons to entertain his request for grant of arm licence and accordingly rejected the application. The said order was communicated to the petitioner.

4. Being aggrieved by the order dated 17th February, 2014 the petitioner preferred an appeal before the appellate

authority i.e. the State Government. The appeal was heard and finally decided vide order dated 5th August, 2014. While deciding the appeal, the appellate authority heard the petitioner and officer from the concerned department and also perused the record and proceedings and thereafter arrived at the decision that the order passed by the competent authority calls for no interference as the petitioner has failed to make out case that he has threat to his life. Being aggrieved by orders dated 17th February, 2014 and 5th August, 2014, the petitioner has preferred this writ petition.

5. Learned counsel for the petitioner has assailed the orders passed with contention that the orders passed are without proper application of mind and the same have been passed in a very casual manner. It is contended that there are no reasons recorded by the authorities to justify the refusal to grant arm licence in favour of the petitioner. It is contended that as the petitioner is a lawyer by profession and dealing with matters relating to dispute of properties and, therefore, danger to his life cannot be ruled out. Counsel for the petitioner relied upon the decisions of the Allahabad High Court in the case of **Ganesh Chandra Bhatt V/s. District**

Magistrate, Almora and Ors. [*C.M.W.P. No.4723 of 1993*] decided on 12th March, 1993 and **Dinesh Kumar Pandey V/s. State of U.P. and Ors.** [*Civil Misc, Writ Petition No.16565 and 15883 of 2012*] decided on 25th July, 2012 and a decision of the Division Bench of this Court in the case of ***Dr. Suresh Tatoba Mane V/s. The State of Maharashtra and Ors.*** [*Writ Petition No.8994 of 2015*] decided on 14th October, 2015.

6. Learned APP for the State appearing on behalf of the respondent-State has supported the order passed by the authorities below. She has submitted that the orders passed by both the authorities are reasoned and call for no interference in exercise of the inherent jurisdiction of this Court under Article 226 of the Constitution of India or section 482 of the Criminal Procedure Code.

7. We have perused the order dated 17th February, 2014 passed by the competent authority as well as the order dated 5th August, 2014 passed by the appellate authority. We have also perused the copy of the application made by the petitioner for grant of arm licence to possess Revolver / Pistol-

III. The fact is not in dispute that the petitioner is a lawyer by profession. He has applied for arm licence to possess Revolver / Pistol-III on the ground of personal security and safety. In column No.8 of the application the reasons recorded for seeking arm licence is assigned as "*personal security and safety.*" He has further stated in column No.11 that being an Advocate and dealing with the matters pertaining to property / real estate within Mumbai and outside the suburban areas, there is a risk to his life.

8. The fact is not in dispute that before passing the impugned order, the competent authority had conducted inquiry and called for report from the concerned police station. Statement of the petitioner was recorded on 23th August, 2013. The impugned order dated 17th February, 2014 clearly reflects that while dealing with the application, the competent authority has considered the application made by the petitioner as well as report of inquiry and thereafter arrived at a decision that the reasons assigned for grant of arm licence are not satisfactory to entertain the request. Thus, there is no procedural flaw in passing the order. So also, the order passed by the competent authority cannot be said to be without any

reasons or arbitrary and without following the principles of natural justice.

9. On communication of the order dated 17th February, 2014 the petitioner preferred an appeal before the appellate authority. The order dated 5th August, 2014 reveals that the petitioner as well as the officer from the concerned department were heard by the appellate authority before passing the order. Similarly, the appellate authority had considered the record and proceedings before passing the order on due consideration of submission made by the petitioner, the appellate authority had found no merit in the appeal. The appellate authority had reached to a conclusion that no satisfactory reasons exists to entertain the request of the petitioner for grant of arm licence and accordingly passed the impugned order dated 5th August, 2014. Thus, on the basis of orders passed, it cannot be said that order is unreasoned or passed without following the principles of natural justice. It is not expected from the authorities dealing with the matters administratively or in the capacity of quasi-judicial authority to pass an elaborate order.

10. While dealing with a petition under Article 226 of the Constitution of India or under the provisions of section 482 of the Criminal Procedure Code, this Court is not expected to sit in appeal over the orders passed by the administrative or quasi-judicial authorities. There are concurrent findings on fact recorded by the competent authority as well as appellate authority that no satisfactory reasons are made out to issue arm licence in favour of the petitioner. Normally, the findings of fact recorded by such authorities are not expected to be interfered in exercise of the writ jurisdiction, unless the same are shown to be totally incorrect or perverse.

11. Apart from this, the petitioner has claimed the arm licence for Revolver / Pistol-III on the ground that he is a lawyer by profession and in discharge of his profession, there is a risk to his life. We are unable to accept the contention of learned counsel for the petitioner that the person who is in legal profession and dealing with matters relating to property dispute, there is every possibility of danger to his life. As a lawyer by profession, the petitioner is expected to plead the case of his clients before a Court of law. We are, therefore, of the view that there is no case made out for interference with

the impugned order in exercise of the writ jurisdiction under Article 226 of the Constitution of India and section 482 of the Criminal Procedure Code.

12. We have perused the judgments referred and relied upon by the learned counsel for the petitioner. They are distinguishable on facts. In the case in hand, the authorities below have followed the procedure prescribed under the law and thereafter arrived at a decision that no satisfactory reason has been made out for grant of arm licence. It is purely a case based upon subjective satisfaction of the authorities. Therefore, the rulings cited have no bearing upon the facts of the case in hand. We find no merit in the petition and accordingly the petition is dismissed with no order as to costs.

(V.L.ACHLIYA, J.) **(RANJIT MORE, J.)**