

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 19412 OF 2015 (O&M)

Date of Decision: 28.9.2016

Pardeep Kumar and another

...Petitioners.

vs.

Secretary Dept. of Home Haryana and others

...Respondents.

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.

Present: Mr. Harsh Bunker, Advocate for petitioners.

Ms. Gagandeep Kaur, AAG, Haryana

The present petition is filed for setting aside the order dated 13.5.2015 passed by the District Magistrate, Hisar exercising the powers under Section 17(3) of the Arms Act 1959 (for short the 'Act'), suspending the arm license of the petitioners. After notice, respondents have filed reply and during the course of hearing, it transpired that the impugned order is appealable in terms of Section 18 of the Act. Consequently, learned counsel for petitioners prays for withdrawal of the present petition in order to avail the remedy of statutory appeal.

Though, it provided under Section 18(2) of the Act that no appeal shall be admitted if it is preferred after the expiry of period prescribed but keeping in view the facts and circumstances of the case, specially that the petitioners are pursuing their remedy before this Court by invoking the extra-ordinary writ jurisdiction provided under Article 226/227 of the Constitution of India, therefore, it is made clear that in case an appeal is filed against the impugned order within a period of 15 days, the question

of limitation shall not be raised by respondents and the appeal shall be decided according to law after hearing both the parties.

Dismissed as withdrawn with liberty aforesaid.

28.09.2016
preeti

(Rakesh Kumar Jain)
Judge