

CWP No.20863 of 2015

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

CWP No.20863 of 2015
Date of decision: 10.03.2016

Surjan Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - Mr. Pawan Kumar, Sr. Advocate, with
Mr. Abhimanyu Batra, Advocate, for the petitioner.
Mr. B.S. Cheema, DAG, Punjab.

PARAMJEET SINGH DHALIWAL, J. (ORAL)

Instant writ petition under Articles 226/227 of the Constitution of India has been filed for quashing the order dated 15.11.2013 (Annexure P-2) passed by the District Magistrate, Barnala, whereby arms licence of the petitioner has been cancelled on the ground that an FIR has been registered against the petitioner.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the petitioner contends that only ground for suspending/revoking the arms licence of the petitioner is that he is involved in a criminal case arising from FIR No.27 dated 09.04.2009 registered under Section 379/447 IPC at Police Station Sehna, District

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Barnala. Learned counsel for the petitioner contends that petitioner has already been acquitted in the said FIR as he is a co-sharer in the property and charges against the petitioner have been found to be unsustainable.

Be that as it may, fact remains that against the order dated 15.11.2013, petitioner has remedy to file appeal under Section 18 of the Arms Act before the authority to whom the licensing authority is subordinate.

Learned counsel for the petitioner submits that he has already made a representation but no decision has been taken thereon till date.

The representation filed by the petitioner is not in the form of appeal. Petitioner will be at liberty to file appeal against the impugned order within one month from today. In case, the appeal is filed within one month from today, same shall be decided on merits and State shall not raise the objection with regard to limitation. It is made clear that appellate authority shall also take into consideration the judgment dated 30.10.2014 (Annexure P-1) passed by learned Judicial Magistrate Ist Class, Barnala, whereby petitioner has been acquitted of the charge framed against him. The appellate authority shall decide the appeal within three months from the date of filing the same.

Disposed of.

(Paramjeet Singh Dhaliwal)
Judge

March 10, 2016
R.S.