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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2409/2014

PAVIT SINGH

..... Petitioner

Through: Ms. Tanmaya Mehta, Advocate with
Ms. Swati Gupta and Mr. S. Anand,
Advocates.

versus

THE STATE NCT OF DELHI

..... Respondent

Through: Mr. Mukesh Kumar Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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30.03.2016

CM Appl. 3508/2016 (for early hearing) in W.P.(C) 2409/2014

With consent of parties, the early hearing application is allowed and the matter is taken up for disposal.

W.P.(C) 2409/2014

Present writ petition has been filed challenging the order dated 06th August, 2013 passed by Additional Commissioner of Police (Licensing) as well as the order dated 26th February, 2014 passed by the Lieutenant Governor in Appeal No.271/2013 whereby the appeal of the petitioner was dismissed.

The relevant portion of the impugned orders passed by the Additional Commissioner of Police (Licensing) and the Lieutenant Governor are

reproduced hereinbelow:-

A. Order of Additional Commissioner (Licensing)

“It is our privilege to interact with you. We have considered your application No.100513ACSD, dated 19/06/2013, along with supporting documents for grant of an Arms License, on the grounds of self protection. As per available record you do not have any specific threat. After due application of mind and considering all the facts and circumstances of the case, your request has not been accepted.

In view of above, your application for grant of an arm license is now closed at our end. We would also like to inform you that as per section 18 of Arms Act, 1959, your appeal against this order would lie with the Court of Hon’ble L.G., Delhi.”

B. Order of Lieutenant Governor dated

“On behalf of the respondent, Addl. PP stated that after going through the documents submitted by the appellant, cash transactions, the local police report and other facts and circumstances of the case, the respondent had found no genuine need or specific threat to the appellant and therefore rejected his request. Addl. P.P. stated that two case FIRs bearing no.303/12 and 184/13 at PS Mehrauli and a complaint under Section 156(3) CrPC are pending against the appellant.

After hearing both the parties, including the appellant and careful perusal of documents on record, I am of the opinion that there is no genuine need, which would justify the grant of an arms licence to the appellant. The Licensing Authority, after considering all aspects of the matter, has passed a fair order keeping in view the facts and circumstances of the case. I, therefore, find no reason to interfere with it. The appeal is therefore dismissed.”

During the course of hearing, a pointed question was put to learned counsel for petitioner as to why the Additional Commissioner of Police

(Licensing) while rejecting the petitioner's application had not taken into account the pendency of the criminal cases.

In response, learned counsel for respondent states that petitioner while applying for an arm license on 19th June, 2013 had not disclosed the factum of pendency of criminal cases. The said fact was not controverted by the learned counsel for petitioner.

Consequently, this Court is of the view that there has been suppression of relevant and important facts by the petitioner while applying for the arms licence. Accordingly, the present writ petition is dismissed.

MANMOHAN, J

MARCH 30, 2016

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