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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4209/2016 & CM Appls. 17793-17794/2016

KULDEEP VATS

..... Petitioner

Through: Mr. Abhijat with Mr. Sudhir Vats and
Mr. Rishabh Bansal, Advs.

versus

STATE OF NATIONAL CAPITAL OF DELHI AND ANR

..... Respondents

Through: Ms. Aayushi Gupta, Adv. for Mr. Raman
Duggal, Standing Counsel for GNCTD

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Date of Decision: 12th May, 2016

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

1. The present writ petition has been filed challenging the Lieutenant Governor's order dated 02nd March, 2016 whereby he has upheld the order dated 18th December, 2015 passed by the Joint Commissioner of Police (Licensing) by virtue of which the arms licence of the petitioner was cancelled.

2. The relevant portion of the impugned orders are reproduced hereinbelow:-

***A. Order dated 18th December, 2015 passed by the
Joint Commissioner of Police (Licensing)***

“From the above facts, it is found that you had not taken due care to keep the weapon safe and secure. No convincing or plausible explanation has been given by you. Casualness in dealing with a weapon ended in the loss. Not being allowed into a Stadium with a weapon cannot be a reason for the loss. Leaving a weapon in a Car and the manner in which it has been lost does not inspire any confidence in the ability of the licensee to keep the weapon safe. Besides, as per contents of the FIR which was registered on your complaint, you came back from the function after half an hour and drove the car to your residence at Ashok Vihar, where you found that the revolver was stolen/missing. It confirms your casual approach towards safety of a valuation item i.e. Revolver, as it is your moral duty/responsibility to check the weapon immediately after attending the function before drive away the car to your residence but you failed to do so.

After taking into account the facts mentioned above, it is found that you were negligent in safe keeping of arms. As such considering the totality of the circumstances, it is considered that you are not a fit person to hold the Arms License in the interest of public safety at large.”

B. Order dated 02.03.2016 passed by the Lieutenant Governor, Delhi.

“I have considered the submissions made by both the sides and have also gone through the case file. The appellant has submitted that he had checked for his pistol which was left in the car only when he reached his home. In my opinion, any prudent person would immediately check for any precious article, particularly, a weapon, on return to his car which was parked in a public place. The appellant also concealed the loss/theft of his weapon from the Licensing Authority for a period of more than one year, which is a violation of the provisions of the Arms Act. Therefore after hearing both the parties and careful

perusal of documents on record, I am of the opinion that the Licensing Authority, after considering all aspects of the matter, has passed a cogent and logical order. I find no ground to interfere with the order and the same is upheld. The appeal is dismissed.”

(emphasis supplied)

3. The relevant facts of the present case are that the petitioner's revolver was stolen on 1st June, 2014. The petitioner lodged an FIR with Police Station Mandir Marg on the very same day. On 08th June, 2015, the police gave an untraced report. On 24th August, 2015, the petitioner informed the office of respondent no. 2 about the theft of the weapon and that too, only when he sought replacement of the gun that had been lost.

4. A perusal of the two impugned orders reveals that both the orders have been passed on the ground of delay in informing respondent no. 2 and negligence on the part of the petitioner.

5. Learned counsel for the petitioner states that negligence is not a ground under Section 17 of the Arms Act for revocation of the licence. He further states that the punishment is not proportionate especially keeping in view the fact that the petitioner had been in possession of a gun for more than two and a half decades.

6. This Court is of the opinion that one of the essential conditions on which any gun licence is granted is to keep the weapon safe and secure and the licensing authority has the right to suspend/revoke the licence if any such basic condition on which the licence had been granted, has not been complied with.

7. Moreover, this Court while hearing the present writ petition, is

not an appellate Court. This Court finds that in the present case the petitioner due to his negligent attitude is not entitled to any equitable relief in discretionary remedy.

8. This Court is also of the view that the decision to revoke the licence is proportionate as the respondents have not charged the petitioner with criminal negligence. Further, a person who cannot keep a firearm safely and securely cannot be entrusted with another weapon.

9. This Court is of the opinion that in the present case the principles of natural justice have been duly complied with and the impugned orders are not perverse. The reasons in both the impugned orders are reasonable and germane.

10. Consequently, this Court is of the view that the punishment meted out to the petitioner is fair and findings of fact require no interference in writ jurisdiction. Accordingly, the present writ petition and applications are dismissed.

MAY 12, 2016
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MANMOHAN, J