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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(CRL) 2189/2016

NANAD KISHOR MALIK

..... Petitioner

Through: Mr. M.L. Yadav, Advocate

versus

STATE & ORS.

..... Respondent

Through: Ms. Richa Kapoor, ASC a/w SI Surender Pal Hudda, PS Krishna Nagar

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

O R D E R

% 29.07.2016

Crl. M.A. No. 11462/2016

Exemption allowed, subject to all just exceptions. The application stands disposed of.

W.P.(CRL) 2189/2016

Issue notice. Ms. Kapoor accepts notice. The petitioner has preferred the present application to assail the order dated 16.09.2015 passed by respondent no.3 and the appellate order dated 04.05.2016 passed by respondent no.1, whereby the petitioner's arms license has been cancelled with immediate effect. The submission of the petitioner is that the petitioner was having the said license since 1984 and there was never a complaint

against him with regard to any negligence in the matter of handling of the fire arm. Learned counsel submits that his fire arm was stolen from the dashboard of the petitioner's car. He submits that the stand taken by the petitioner has been consistent that the said fire arm was stolen from the dashboard of his car. He submits that in the typed FIR, the reason recorded is at variance i.e. that the fire arm was lost while it was left in the almirah in the drawing room of the petitioner's house.

It is seen that since the fire arm has been lost, the petitioner would, in any event, have to apply for and obtain a fresh license even if he desired to procure another fire arm.

Learned counsel for the petitioner submits that he needs the fire arm considering the fact that he has to travel to several areas for his business.

In view of the fact that this is a solitary incident of loss of fire arm, and the fact that the petitioner claims that the fire arm was lost from the dashboard of his car, it is directed that in case the petitioner applies for a fresh fire arm, the same shall be considered by the competent authority on its own merits without being influenced by the impugned orders dated 16.09.2015 and the appellate order dated 04.05.2016.

The petitioner has undertaken to be more careful with any other fire arm that he may acquire under a license.

Petition stands disposed of in the aforesaid terms.

Dasti.

VIPIN SANGHI, J

JULY 29, 2016
sr