

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1452 OF 2016

Shyam Laxman Chaudhari
versus

.....Petitioner

The Hon'ble Home Minister, Urban Area,
Home Ministry and ors.

.....Respondents

Mr. S. P. Rajephandhare i/b. Mr. Manavkumar A. Manav, advocate for the
petitioner.

Mrs. Aruna S. Pai, APP for the State.

**CORAM : RANJIT MORE &
SMT.ANUJA PRABHUDESSAI, JJ.**

DATE : 24th APRIL, 2017.

P. C. :

Heard learned counsel for the petitioner and learned APP for
the State.

2. By this petition, the petitioner is challenging the orders dated
16th March 2015 and 27th July, 2015 passed by the Police Commissioner,
Thane and State Minister(Home), Maharashtra State respectively. By the
said orders, the petitioner's application for grant of Arms License came
to be rejected. The petitioner's application is rejected on two grounds
viz. (I) that he has not made out any grounds for grant of arms license

and (ii) it is not necessary to grant licence for the security of the public peace or for public safety. In addition to this, the appellate authority also recorded the satisfaction that there is no threat perception to the petitioner.

3. Learned counsel for the petitioner submits that the Senior Inspector of Police, Kongaon Police Station, Bhiwandi, has given his “No Objection” to the Commissioner of Police, Thane City, for grant of Arms License to the petitioner and, therefore, the petitioner's application could not have been rejected.

4. Having perused the said recommendation, we find that the petitioner has criminal antecedents. He is already involved in two crimes, though subsequently, he was acquitted. That apart, under Section 13(3)(b) of the Arms Act, 1959, the licensing authority is required to be satisfied that the person by whom the license is required has a good reason for obtaining the same. As stated above, the Commissioner of Police, Thane City, in his order, has recorded that the petitioner has failed to make out a case for grant of license. Under Section 14(1)(b)(ii) of the Arms Act, the licensing authority is justified in refusing the license when it is satisfied that issuance of the Arms License is not necessary for the security of the public peace or for public safety. The Commissioner

of Police/licensing authority in his order recorded subjective satisfaction in terms of Section 14(1)(b)(ii) of the Arms Act.

5. Learned counsel for the petitioner relies upon a decision of the learned Single Judge of this Court dated 02nd February, 2017, passed in writ petition No.9914 of 2016. The facts of this case are totally different and, therefore, the ratio of the decision of the said case cannot be made applicable to the instant case. This Court is not sitting over an appeal against the orders passed by respondents viz. Commissioner and State Minister(Home Department). Therefore, we are not inclined to exercise the writ jurisdiction conferred upon this Court under Article 226 of the Constitution of India. The writ petition is, accordingly, dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)

[RANJIT MORE, J.]