

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2299 OF 2017

Dhairyasheel Shahaji Patil.

..Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. Avinash B. Avhad for the Petitioner.

Mr. S. S. Pednekar, APP for the State.

Coram : Ranjit More &

Dr. Shalini Phansalkar-Joshi, JJ.

Date : **November 21, 2017.**

P. C. :

1. Heard Mr. Avhad, learned Counsel for the Petitioner and Mr. Pednekar, learned APP for the State. The Petitioner applied for grant of arm's licence under the Arms Act, 1959. The said application of the Petitioner is rejected by the Collector by his order dated 20th August 2016. The appeal preferred by the Petitioner before the Divisional Commissioner, Pune came to be rejected on 16th September 2016.

2. The Collector refused arms licence to the Petitioner on the ground that there is adverse report by the police department. On the last date, we directed the learned APP to produce the original file for our perusal. Accordingly original file is placed before us. We have perused the same. File contains adverse report of the Superintendent of Police on the ground that the Petitioner has criminal antecedents.

3. Before the appellate authority, the Petitioner

pointed out that he has been acquitted of the criminal case filed against him. The Commissioner, however, found that there is no threat perception to the Petitioner and therefore rejected the appeal. We are not sitting in an appeal over the orders passed by the lower authorities. Therefore, we are not inclined to entertain this writ petition in exercise of jurisdiction of this Court under Article 226 of the Constitution of India. The petition is accordingly dismissed.

[Dr. Shalini Phansalkar-Joshi, J.]

[RANJIT MORE, J.]