

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**WRIT PETITION NO. 3364 OF 2016**

Sanjay S. Mithari. ..Petitioner.  
*Versus*  
State of Maharashtra & Others. ..Respondents.

Mr. Anubhav Mardikar for the Petitioner.  
Ms. S. D. Shinde, APP for the State.

Coram : RANJIT MORE &  
SMT. ANUJA PRABHUDESSAI, JJ.  
Date : **April 17, 2017.**

**P. C. :**

1. Heard learned Counsel appearing for the Petitioner and learned APP for the State. The Collector Sangli by the order dated 16<sup>th</sup> June 2011 rejected the Petitioner's application for extending the jurisdiction of arms licence to the whole of Maharashtra. The Petitioner challenged this order by filing an appeal before the Divisional Commissioner. However, this appeal was rejected by the order dated 9<sup>th</sup> May 2014.

2. Learned Counsel appearing for the Petitioner submitted that the Petitioner came to know about the the impugned order in the month of January 2016. He has submitted that notice was sent at Sangli address, while he was already transferred to Nagpur. The Petitioner claims that there was no valid service and on this count

alone the order needs to be set aside.

3. It is to be noted that the appellate authority had issued notice to the Petitioner at the address furnished by him in the appeal. If at all the Petitioner was transferred during the pendency of the appeal, being the Appellant, it was his duty to furnish the new address. In the instant case the Petitioner had not furnished his new address. Therefore, appellate authority cannot be faulted for issuing the notice at Sangli address.

4. Be that as it may, the fact remains that the Appellant was not heard in the matter. Hence, in the interest of justice and in consonance with the principles of natural justice, we set aside the order dated 9<sup>th</sup> May 2014 passed by the appellate authority / Commissioner in Appeal No.Arms/A/SR/142/2011. We hereby remand the appeal to the appellate authority with direction to dispose of the appeal expeditiously after hearing the respective parties. The Petitioner shall remain present before the Commissioner along with the copy of this order on 2<sup>nd</sup> May 2017 at 11.00 a.m.

4. Writ Petition stands disposed of.

**[SMT. ANUJA PRABHUDESSAI, J.]**

**[RANJIT MORE, J.]**