

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3948 OF 2014**

Lalbahadur Ramsevak Yadav

...Petitioner

Versus

Commissioner of Police, Pune & Ors.

...Respondents

Mr. K. S. Patil i/b Mr. S. R. Waghmare for the Petitioner

Mrs. M. M. Deshmukh, A.P.P for the Respondent-State

**CORAM : RANJIT MORE &
REVATI MOHITE DERE, JJ.
TUESDAY, 14th MARCH, 2017**

P.C. :

1. Heard learned Counsel for the petitioner and the learned A.P.P.
2. By this petition, petitioner is challenging the order dated 16th April, 2014 and 8th August, 2014 passed by the Police Commissioner, Pune City and State Minister (Home), Maharashtra State, Mumbai. By first order, the Police Commissioner cancelled petitioner's Arms license under the provisions of Section 17(3)(b)(d) of the Arms Act. The State Minister (Home) confirmed the said order.
3. On perusal of first order, we find that Arms license given to the

petitioner was cancelled on the ground of registration of C.R. No. 23 of 2013 for offences punishable under Sections 452, 323, 504, 506(2) r/w 34 of the Indian Penal Code. The Appellate order, however, proceeds as if the petitioner has applied for fresh Arms license. Petitioner's appeal is dismissed on the ground that there is no threat perception to the petitioner. The Appellate Authority has not dealt with whether the cancellation of Arms license is justified on one of the said provisions in the C.R registered against the petitioner.

4. In the above circumstances, the impugned Appellate order cannot be sustained. The same is quashed and set-aside and the matter is remanded back to the Appellate Authority to decide the petitioner's appeal challenging the order dated 16th April, 2014 passed by the Police Commissioner, Pune City, afresh, in the light of discussion made hereinabove.

5. Petition disposed of accordingly.

REVATI MOHITE DERE, J.

RANJIT MORE, J.