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

+ W.P.(CRL) 2877/2016

JAI PAL SINGH

..... Petitioner

Through: Mr. Vishal Raj Sehijpal, Adv.

versus

STATE & ORS.

..... Respondents

Through: Mr. R.S. Kundu, ASC
SI Kanwal Kishore & ASI Jaideep
Kumar

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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14.07.2017

The petitioner has challenged the order passed by the Joint Commissioner of Police, Licensing Unit, New Delhi dated 02.03.2016 whereby the license of the petitioner was revoked/cancelled on administrative grounds. The petitioner has also assailed the order passed by the Hon'ble Lt. Governor of Delhi whereby the aforesaid order of revocation/cancellation of license has been upheld.

A show cause notice was given to the petitioner to explain as to why his license be not cancelled. The aforesaid show cause notice was challenged by the petitioner in civil suit. It would not be necessary for this court to refer to the result of such a challenge.

Be that as it may, the relevant facts for deciding this revision petition would be that the petitioner was asked for an explanation as to why one particular case against him, which was lodged in the year 1999, was not

disclosed by the petitioner in his application seeking license. The Licensing Authority also referred to the various other cases lodged against the petitioner. The petitioner is said to have replied to the show cause notice by intimating to the authority that in all those cases, he was acquitted and that in the case which was not disclosed by him, he was convicted and sentenced for a month, but on revision, the conviction and the sentence were set aside. The aforesaid explanation of the petitioner did not find favour with the Licensing Authority inasmuch as Licensing Authority was of the view that in almost all the cases, only benefit of doubt was given because of non-availability of direct evidence against him.

Be that as it may, the Licensing Authority had in fact a latest update on the petitioner having been made accused in FIR No.92/2008, instituted under Section 3/4 of the MCOCA in Swaroop Nagar Police Station. In the aforesaid case, though the petitioner was acquitted but the Licensing Authority took note of the fact that the allegation against him was being of an associate of some of the accused persons, namely, Jagbir Singh and others against whom there were many cases pending in different police stations of Delhi. Aforesaid Jagbir Singh and his associates were stated to be involved in various cases of land grabbing and cheating. The Licensing Authority, therefore, took a view that the close association of petitioner with such persons disentitled the petitioner from having a license as it's misuse cannot be ruled out. Thus, the license of the petitioner, which was suspended, was cancelled. The aforesaid order cancelling the license of the petitioner was upheld in appeal by the Lt. Governor of Delhi.

Learned counsel appearing for the petitioner, however, submitted that the show cause reply was kept pending by the Licensing Authority and only

when the cases reported against the petitioner ended in acquittal, the present order of cancellation was passed. Learned counsel for the petitioner, therefore, assails the aforesaid two orders on the ground of non-application of mind as the license of the petitioner was not renewed and the show cause reply was kept pending for no apparent reason. He further submits that if it was kept pending awaiting the outcome of the criminal cases, the legitimate expectation of the petitioner was that if the petitioner came out clean of the aforesaid charges under the Penal Code, that should be taken into account by the Licensing Authority for renewing his license.

True it is, that no stigma remains attached with a person if he stands acquitted in a criminal case, nonetheless, grant of license is an administrative decision wherein the Licensing Authority has to take into account other factors as well. The Licensing Authority, under Section 17 of the Arms Act, 1959 can suspend the license for such period as it thinks fit or revoke a license in certain circumstances.

Section 17(3) (b) and (c) of the Arms Act stand attracted in the facts of the present case. The reason assigned by the Licensing Authority that the association of the petitioner with persons of tainted background, could lead to the presumption that the license could be misused, is not perverse and is perfectly understandable.

This court finds no reason to interfere with the orders impugned.

With these observations, the writ petition is disposed of.

ASHUTOSH KUMAR, J

JULY 14, 2017/ns