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

+ **W.P.(CRL) 2112/2018**

AMIT GOYAL

..... Petitioner

Represented by: Mrs. Njali Jiva Manish and Ms.
Nidhi Sahani, Advocates.

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondent

Represented by: Ms. Nandita Rao, ASC with SI
Sachin Tomar.
Mr. Satish Aggarwal, Senior
standing counsel with Mr.
Vineet Sharma, Advocate for
DRI/R-3.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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18.07.2018

Crl.M.A. No. 12758/2018 (Exemption)

Allowed, subject to all just exceptions.

W.P.(CRL) 2112/2018

1. By this writ petition, the petitioner inter alia prays for directions to the licensing authority to issue a show cause notice and a right of personal hearing before taking any action under Section 17(3) of the Arms Act for suspending or revoking the arms license Nos. WDPV/11/2010/40 & WDPV/11/2014/1 granted to the petitioner under the Arms Act.

2. A brief background of the case as per the petitioner is that the

W.P.(CRL) 2112/2018

page 1 of 3

petitioner is a professional renowned shooter and has two arms license as noted above. It is the case of the petitioner that he has never misutilised or contravened the terms and conditions of the Arms Act, 1959. In 2017 petitioner had visited Slovenia and procured arms and ammunitions which he declared on the red channel at the Delhi IGI Airport. The custom duties were also calculated and it was revealed that the petitioner had paid the same. However, despite all compliances DRI officials intercepted the petitioner and detained him for evading customs duty. The petitioner was released on bail on ^{1st} June, 2017. Petitioner's arms and ammunitions were seized and his bank accounts were frozen. The petitioner filed a writ petition before this Court for defreezing his bank accounts which have since been defrozen pursuant to the order of Division Bench of this Court.

3. The DRI authority also issued a proposal of detention which was accepted by the Competent Authority and the petitioner was detained under COFEPOSA. According to the petitioner the detention of the petitioner under COFEPOSA has not been confirmed/approved by the COFEPOSA Board and hence the petitioner has been freed from detention.

4. The petitioner's grievance now is that the DRI officials may influence the adjudicating authority to suspend or cancel or revoke his license without a show cause notice.

5. Learned ASC for the State who appears on behalf of respondent Nos. 1, 2 and 4 states that the respondent No. 4 i.e. the licensing department of the Delhi Police has received an information from the customs department, however, they are still considering the next step which is required to be taken by the licensing authority. On instructions learned ASC for the State

submits that in case the Competent Authority finds it to be case to consider for revocation of the two arms licenses of the petitioner. Show cause notice under Section 17 of the Arms Act would be issued to the petitioner and a right of personal hearing will be accorded.

6. In view of the statement of learned ASC for the State no further orders are required to be passed. It is however clarified that the statement of the learned ASC would not be applicable i.e. issuance of a show cause notice in case the Competent Authority proposes to suspend the license pending final decision of revocation/cancellation.

7. Writ petition is disposed of.

8. Order dasti.

MUKTA GUPTA, J.

JULY 18, 2018
‘yo’