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

+ **W.P.(CRL) 3139/2018 and CRL.M.A. 34105/2018**

GAURAV RAWAT Petitioner
Through: Counsel (appearance not given).

versus

STATE Respondent
Through: Ms Jyoti Babbar, Advocate.
SI Rajiv, PS IGI Airport, Delhi.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **21.10.2019**

1. The petitioner has filed the present petition, *inter alia*, praying that FIR No. 326/2016 under Section 25 of the Arms Act, 1959 registered with PS IGI Airport and all proceedings emanating therefrom, be quashed.
2. The said FIR was registered as one live cartridge (7.65 mm KF) was recovered from the baggage of the petitioner, while he was in the process of boarding a Go-Air Flight (Flight No. G8-429) on 22.06.2018 from Delhi to Goa.
3. The petitioner states that he has been issued a license to carry a 0.32 bore pistol by the District Magistrate on 04.02.2013. The petitioner had, thereafter, applied to the Indian Ordnance Factories for purchasing the said weapon.
4. It is stated that on 01.10.2013, the Gun and Shell factory, Kolkata had

issued a 0.32 bore pistol as well as cartridges to the petitioner. The petitioner claimed that he was travelling from Uttarakhand to Goa via Delhi. He had packed his baggage and failed to remove one live cartridge that remained in the internal pocket of the said bag. It is the petitioner's case that he was not conscious of the same.

5. The petitioner was scheduled to board the said flight from Delhi at about 08:30 p.m. and his luggage was checked in along with other passengers. During the screening of the bag, the live cartridge was found and the FIR in question was registered.

6. The facts, as asserted by the petitioner, have been verified by the respondent and the status report has been filed.

7. In view of the above, this Court finds no reason to doubt the petitioner's statement that he was not aware of the live cartridge that remained in the inside pocket of his luggage.

8. This Court has, in a number of cases, held that in such circumstances the offence under Section 25 of the Arms Act, 1959 would not be established (See: ***Surender Kumar @ Surender Kumar Singh v. The State (GNCT of Delhi) & Anr.: W.P. (Crl) 2143/2019 decided on 27.09.2019***; ***Aruna Chaudhary v. State & Ors.: W.P. (Crl.) 1975/2019 decided on 25.09.2019*** and ***Paramdeep Singh Sran v. The State (NCT of Delhi) W.P.: (Crl) 152/2019 decided on 29.08.2019***).

9. In view of the above, the present petition is allowed and the impugned FIR No. 326/2016 under Section 25 of the Arms Act, 1959 registered with

PS IGI Airport and all proceedings emanating therefrom, are quashed. The pending application is also disposed of.

10. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

**OCTOBER 21, 2019
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