HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE P NAVEEN RAO

WRIT PETITION NO. 17795 OF 2020

Between:

T.Ajith Singh Thakur, S/o. Jairaj Singh Thakur, Aged about 54 years, Occ: Business, R/o.H.No.3-6-150, Krishna Punj Building, Himayathnagar, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Department of Home, Secretariat Buildings, Saifabad, Hyderabad.
2. The Commissioner of Police, Hyderabad Police Commissionerate, Hyderabad, Telangana.
3. The Deputy Commissioner of Police, Central Zone, Hyderabad, Telangana.
4. The Station House Officer, P.S. Narayanaguda, Hyderabad, Telangana.
5. T.Pooja, W/o.T.Ajith Singh, Aged about 36 years, Occ: House Wife, R/o.H.No.3-6-150, Beside Indian Bank, Himayathnagar, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ order or direction more particularly, one in the nature of Writ of Mandamus, declaring the in-action of Respondent No.3 on the representation, dt: 05.03.2020 given by the Petitioner with a request to renew the arms license No.357/Narayanguda, which is covered for the i) 0.32 NPB Pistol # 310580 and ii) 0.22 Bore Pistol # 135636 and release the said arms to the Petitioner as illegal and violative of principles of natural justice and contrary to the Article 21 of the Constitution of India.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No.3 to renew the arm license No.357/Narayanguda, which is covered for the i) 0.32 NPB Pistol # 310580 and ii) 0.22 Bore Pistol # 135636, pending disposal of the writ petition.

Counsel for the Petitioner: SRI K. L. B. KUMAR

Counsel for the Respondent Nos. 1 to 4: AGP FOR HOME

Counsel for the Respondent No.5: NONE APPEARED

The Court made the following: ORDER

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.17795 of 2020

ORDER:

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Home.

2. Arms licence bearing No.357/Narayanguda was issued to the petitioner on 27.01.1989 which was valid up to 31.12.2014. On 17.04.2014 a show cause notice was issued by the Deputy Commissioner of Police Central Zone, Hyderabad -3rd respondent to the petitioner stating that he was involved in Cr.No.388 of 2014 registered under Sections 342, 324 and 506 of Indian Penal Code in Narayanguda Police Station, calling upon the petitioner to submit his explanation as to why his Arms licence should not be cancelled. Petitioner claims to have submitted his explanation on 13.05.2015. No decision was made on the notice issued. However, the Arms licence period expired on 31.12.2014 and was not subsequently renewed. On 05.03.2020, petitioner submitted application to the 3rd respondent requesting to renew his Arms licence. Alleging inaction on the said application, this writ petition is filed.

3. After completion of investigation in Cr.No.388 of 2014, police filed charge sheet. The trial Court took cognizance of the offence, registered the case as C.C.No.139 of 2015. In the said criminal case, petitioner was convicted. Against the said conviction, petitioner preferred Crl.R.C.No.2294 of 2018 and the same is pending consideration of this Court. While so, petitioner now states that the complainant and petitioner have now resolved the dispute

and accordingly, they have also entered into Memorandum of Understanding (MOU) and the crime is likely to be closed shortly. He therefore, submits that as the request for renewal was not granted on the ground that petitioner was involved in crime, as petitioner would be acquitted consequent to the MOU, there would be no embargo in considering the application for renewal of licence.

4. The fact remains that as of now, petitioner is convicted in C.C.No.139 of 2015. Crl.R.C.No.2294 of 2018 is pending consideration of this Court. Unless this Court agrees to record the MOU reached and acquits the petitioner, the decision of respondent police not to renew the Arms licence can not be faulted.

5. If the Criminal Revision Case ends in favour of petitioner and acquittal is granted to him, it is open to the petitioner to make a request for renewal of Arms licence granted to him in the year 1989.

6. The Writ Petition is disposed of granting liberty to the petitioner to file application before the Commissioner of Police, Hyderabad Police Commissionerate, after the disposal of Crl.R.C.No.2294 of 2018 and to pursue the request for renewal of Arms licence. Pending miscellaneous petitions, if any, shall stand closed.

SD/-M.MANJULA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,
1. The Principal Secretary, Department of Home, State of Telangana, Secretariat Buildings, Saifabad, Hyderabad.
2. The Commissioner of Police, Hyderabad Police Commissionerate, Hyderabad, Telangana.
3. The Deputy Commissioner of Police, Central Zone, Hyderabad, Telangana.
4. The Station House Officer, P.S. Narayanaguda, Hyderabad, Telangana.
5. One CC to Sri K. L. B. Kumar, Advocate [OPUC]
6. Two CCs to GP for Home, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CD Copies.

MP

HIGH COURT

DATED:18/12/2020



ORDER

WP.No.17795 of 2020

DISPOSING OF THE WRIT PETITION WITHOUT COSTS

SW
9 copies
Dt. 28/12/2020