

CWP-11709-2019

Date of Decision: January 10, 2020

ANIL KUMAR

..... Petitioner(s)

Versus

COMMISSIONER, FARIDABAD DIVISION AND ANR.

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. J.S. Hooda, Advocate
for the petitioner.

Ms. Safia Gupta, Asstt. A.G., Haryana assisted by
ASI Satish Kumar, P.S. Sadar Ballabgarh, Faridabad.

LISA GILL, J.

Prayer in this writ petition is for setting aside order dated 18.09.2015 (Annexure P-2), passed by the Commissioner of Police, Faridabad whereby the petitioner's application for renewal of his arms license was rejected. The petitioner has also challenged order dated 20.06.2018, passed by the Commissioner Faridabad Division, Faridabad, dismissing the appeal preferred by the petitioner.

It is submitted that the petitioner had sought renewal of his arms license on 25.10.2010. The same was forwarded for verification to Deputy Commissioner of Police, Ballabgarh, who did not raise any objection thereto. However, FIR No. 15 dated 24.01.2011 under Sections 302, 307, 506, 120-B, 34 of IPC and 25/54/59 of Arms Act, P.S. Sadar Ballabgarh, Faridabad was registered against the petitioner in which he was arrested on 01.06.2011. Notice was issued to the petitioner to show cause as to why his arms license be not cancelled, but he could not respond to the same as he was confined in jail at that time. His arms license was accordingly cancelled vide order dated 18.09.2015. It is submitted that the petitioner was acquitted of the charges in FIR No.15 dated 24.01.2011, on 22.01.2016.

Learned counsel for the petitioner submits that the appellate authority without considering the fact of acquittal, rejected the petitioner's appeal. He relies upon the judgments of this High Court in ***Mangal Singh Vs. The Additional Commissioner, Ferozepur Division 2003(4) RCR (Criminal) 422*** and ***Krishan Chand Vs. State of Punjab 2003(1) RCR (Criminal) 166***. He submits that once the accused has been acquitted, it results in automatic nullification of order of cancellation of arms license, passed on that sole ground. The effect of acquittal of the petitioner, it is submitted, has not been considered at all by the Commissioner Faridabad Division, Faridabad while passing the impugned order dated 20.06.2018, even though it is noticed that the petitioner was acquitted in the aforementioned criminal case.

Though, formal notice of motion was not issued in this case, learned counsel for the State, on instructions from ASI Satish Kumar No. 1727, P.S. Sadar Ballabgarh, Faridabad submits that the petitioner indeed stands acquitted in FIR No.15 dated 24.01.2011.

Keeping in view the facts and circumstances of the case, order dated 20.06.2018, passed by the Commissioner Faridabad Division, Faridabad is set aside and the matter is remanded to the concerned Appellate Authority to decide the same afresh after considering the effect or otherwise of the acquittal of the petitioner in the criminal matter, which was admittedly the sole basis for cancellation/non-renewal of his arms license.

Petition is disposed of accordingly.

January 10, 2020

‘Sunil’

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No