

In the High Court of Punjab and Haryana at Chandigarh

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RSA-4309-2019 (O & M)

Date of Decision: February 06, 2020

KARAMJIT SINGH

.....APPELLANT

VERSUS

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Ishan Gupta, Advocate for the appellant.

ANUPINDER SINGH GREWAL, J (ORAL)

Learned counsel for the appellant contends that the appellant had filed a suit seeking mandatory injunction for renewal of his arms licence which has been dismissed by the Courts below on the ground that the appellant has not availed the alternative remedy of appeal before the Divisional Commissioner who is the Appellate Authority in terms of Section 18 of the Arms Act. The request of the appellant for renewal of the licence had been declined on the ground that the case under the Arms Act had been registered against him. He further contends that although FIR had been registered against the appellant but the appellant had been acquitted by the order of the trial Court dated 14.05.2012 and, therefore, the same could not have been taken into account while declining the renewal of the licence in the year 2015 especially when his licence had been renewed after 2012 and was valid upto 2015. He also contends that the appellant had been bonafidely pursuing his remedy before the Civil Courts and, therefore, he would be entitled for condonation of delay in preferring the appeal. He further

contends that he is not pressing this appeal and would prefer an appeal before the Appellate Authority under Section 18 of the Arms Act along with the application for condonation of delay in preferring the appeal under Section 14 of the Limitation Act which may be considered and decided by the Appellate Authority in accordance with law.

Issue notice to the respondents.

At the asking of the Court, Mr. K.K. Bheniwala, Addl. AG, Punjab accepts notice on behalf of the State.

Consequently, the appeal stands disposed of as not pressed.

In the event of the appellant preferring an appeal before the Appellate Authority in terms of Section 18 of the Arms Act along with aforenoted application, the same shall be considered and decided in accordance with law.

(ANUPINDER SINGH GREWAL)
JUDGE

February 06, 2020
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No