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

+ **W.P.(CRL) 1242/2020**

ABBAS ANSARI

..... Petitioner

Through Mr Siddharth Luthra, Senior Advocate
with Ms Priyadarshi Manish, Advocate.

versus

THE STATE (GOVERNMENT OF NCT
OF DELHI) THROUGH STANDING
COUNSEL (CRL.) & ANR.

..... Respondents

Through Mr Sanjay Lao, ASC for State with
Mr Karan Sharma, Advocate with SI Sachin
Tomar from Licensing Branch.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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17.08.2020

[Hearing held through video conferencing]

CRL. M.A. 11053/2020 & CRL. M.A. 11054/2020

1. Allowed, subject to all just exceptions.
2. The applications are disposed of.

W.P.(CRL) 1242/2020

3. The petitioner has filed the present petition impugning a show cause notice dated 03.08.2020 issued by the Joint Commissioner of Police (Licensing Unit), First Floor, Defence Colony, New Delhi, *inter alia*, calling upon the petitioner to show cause as to why the arms licence granted to him

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not be cancelled.

4. The show cause notice also records the opinion of the Joint Commissioner of Police (Licensing Unit) that the petitioner is not a suitable person to hold an Arms License in public interest and safety. Apart from the above, it is also alleged in the show cause notice that the arms imported by the petitioner are in contravention of the provisions of the Arms Act, 1959, the Arms Rules, 2016 and the Foreign Trade (Development and Regulation) Act, 1992.

5. Mr Luthra, learned Senior Counsel appearing for the petitioner contends that the show cause notice is, *ex-facie*, *mala fide* as in the earlier two communications, the licensing authority had expressly stated that it had found no error in import or the license issued to the petitioner. Next, he submits that the opinion that the petitioner is not a suitable person is also, *ex-facie*, erroneous as the same appears to be based on an FIR lodged against the petitioner (FIR No. 431/2019 under Sections 420/467/468/471 of the IPC and Section 30 of the Arms Act, 1959 registered with PS Mahanagar, District Lucknow). He submits that the petitioner had challenged the same before the Allahabad High Court at Lucknow Bench and the Division Bench of the said Court had passed an order dated 19.10.2019 in *MISC. BENCH NO. 28833/2019*, staying the arrest of the petitioner in the said FIR. The Court had also recorded its *prima facie* view that the allegation made are not made out from the contents of the FIR.

6. This Court does not consider it apposite to entertain the present petition. Primarily because the matter is at the show cause stage and an inquiry into the matter as to whether the petitioner has violated any provisions of the Arms Act, 1959 or any other statute by importing the

weapons possessed by him cannot be interdicted at this stage. Further, if the petitioner is aggrieved by any decision rendered by the Licensing Authority, he has an efficacious remedy of appeal under Section 18 of the Arms Act, 1959.

7. Considering the above, the present petition is dismissed.

8. It is clarified that all rights and contentions of the petitioner are reserved.

VIBHU BAKHRU, J

AUGUST 17, 2020

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