

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

915 CRIMINAL WRIT PETITION NO.684 OF 2021

**RAVINDRA MADHAV VALTE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr.Ajinkya Kale, Advocate h/f Talekar And Associates
for the petitioner

Mr. S. P. Sonpawale, APP for the respondent/State

CORAM : N. R. BORKAR, J.

DATE : 02-12-2021

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. This petition takes an exception to the order dated 15-02-2021, passed by the Divisional Commissioner Nashik, Division Nashik and the order passed by the learned Additional Collector, Ahmednagar dated 12-10-2020.

2. The petitioner herein had filed an application for grant of fire-arm license. The learned Additional Collector rejected the said application by the order dated 12-10-2020. The appeal was filed against the said order before the Divisional Commissioner. By order dated 15-02-2021, the learned Divisional Commissioner dismissed the

appeal.

3. I have heard the learned counsel for petitioner and the learned APP for the respondent/State.

4. The learned counsel for the petitioner submits that the learned Additional Collector rejected the application inter alia on the ground that preset petitioner is co-accused in the crime No. 88 of 2020 registered at Kopargaoon Taluka Police Station for the offences punishable under Sections 302, 452, 143, 147, 148, 149, 120(b) of the Indian Penal Code and Sections 3/25, 4/25, 7/25 and 27 of the Arms Act. It is submitted that this is factually incorrect and the petitioner is not accused in the said crime. It is submitted that said contention was raised before the appellate authority, however, the appellate authority has not at all considered the said ground. It is submitted that orders impugned thus need to be set aside.

5. The learned APP has tendered on record the report dated 17-09-2020 submitted by the office of Superintendent of Police, Ahmednagar to the office

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of District Collector, Ahmednagar. It appears from the said report that brother of the present petitioner is accused in that crime and not the present petitioner. It is thus apparent that the learned Additional Collector has rejected the application of the present petitioner on the factually incorrect ground.

6. The orders impugned thus, cannot be sustained. The orders impugned are thus set aside. The respondent No. 2 shall decide the application filed by the petitioner for grant of fire-arm license afresh within a period of four months from the date of receipt of copy of this order.

7. The petition is disposed of in above terms.

[N. R. BORKAR, J.]

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