

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1576 OF 2021

Amritpal Singh Khalsa.

..Petitioner.

Versus

Commissioner of Police and Others.

..Respondents.

Mr. Amritpal Singh Khalsa, petitioner appears in person.

Mrs. Aruna S. Pai, APP for the Respondent-State.

CORAM : PRASANNA B. VARALE &
N. R. BORKAR, JJ.

Date : **May 11, 2021.**
[Vacation Court]

P. C. :

1. The petitioner appears before this Court in-person by way of virtual mode. Though the prayer clause (a) of the petition is to declare that protection of one's life and limb and right to possess and keep a licenced firearm in self-defence is an integral part of the right of life under Article 21 of the Constitution of India, the party-in-person submitted before this Court that he is not pressing that prayer. The party-in-person fairly submitted that in the petition itself, a reference is made to the right of keeping the arms recognised under the Constitution of United States but when the issue came up before the Constituent Assembly, members of the Constituent Assembly were not inclined to accept the similar proposal moved at the instance of

one member Mr. M. V. Kamath. The party-in-person then submitted that possession of a firearm is a regulated right under various provisions of Arms Act, 1959. The party-in-person then submitted that he is engaged in legal profession and there are chances that he is vindicted by some unsuccessful persons and so as to protect his life, he had submitted an application to the competent authority for possession of a fire-arm.

2. Our attention was invited to the copy of application dated 6th January 2020 placed on record at Exhibit-“A”. Learned counsel then submitted that though he was keeping track of the application regularly, there was no progress for a considerable period of time and application was pending with the competent authority till the filing of writ petition.

3. Our attention was also invited to the petition to submit that there is a deemed provision of grant of licence. Reference is made in paragraph 8 of the petition, namely, sections 13 and 14 of the Arms Act, 1959 and there is also reference to section 30 and Rule 13 and 14 of the Arms Rules, 2016 which are refereed to in paragraphs 10 and 11 respectively.

4. The party-in-person then submitted that recently, i.e., on 6th April 2021, he is informed through the office of Commissioner of Police, Thane under the communication signed by the Deputy Commissioner of Police, Head-Quarters-1. It is informed to the petitioner that the application was submitted under old format, and presently it is a requirement of filling up and submitting of application in new format. It is also informed to the petitioner that necessary documents were not annexed to the application submitted by the petitioner.

5. Though admittedly there is some delay, and the application filed at the instance of the petitioner was pending before the competent authority for a quite long time, we found that further delay in responding to the petitioner was due to the unavailability of staff in the office, as the clerical staff in the office of Commissioner of Police was suffering from corona virus, ie., Covid-19 pandemic. The Authority informed the petitioner to submit a fresh application in new format. The format-A is annexed to the communication dated 6th April 2021. Considering all these aspects, we are the opinion that the petition itself can

be disposed of by permitting the petitioner to approach the office of Commissioner of Police by filling up format-A. The petitioner is permitted to submit the fresh application in format-A in the office of Commissioner of Police, Thane within two weeks from today. On receipt of such application, Respondent No.1-Commissioner of Police, Thane to decide the application as expeditiously as possible and not later than six weeks from the date of receipt of application. With these directions, the petition is disposed of. In case, the provisions of the Arms Act, 1959 and the Rules framed thereunder provide for an opportunity of hearing to the party concerned, Respondent No.1 to afford such an opportunity of hearing to the Petitioner.

6. All concerned to act upon the authenticated copy of this order.

[N R. Borkar, J.]

[Prasanna B. Varale, J.]