

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**WRIT PETITION NO. 7599 OF 2019**

Shaikh Abdul Khalil Shaikh Mustafa --Vs.-- The State of Maharashtra and ors

Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

Mr. P.S.Raut, Advocate for petitioner  
Mr. N.R.Patil, AGP for Respondent Nos. 1 to 4

**CORAM : AVINASH G. GHAROTE, J.**  
**DATE : 23/08/2022**

1] In spite of the order dated 25.4.2022, the additional affidavit has not been filed on record, which would indicate that Respondent No.2 is not interested in filing any additional affidavit. I have therefore no other option than to proceed ahead with the matter.

2] Heard Mr. Raut, learned counsel for the petitioner. The only ground on which the arms license of the petitioner has not been renewed as spelt out from order dated 21.07.2017 (page 62) passed by Respondent No.2, District Magistrate/Collector, that the petitioner is an accused in Crime No. 3073/2015 under Section 160 of the ICP and in Crime No. 222/2014 under Section 384 of the IPC and therefore, the renewal has not been recommended.

3] The order itself indicates that in Crime No. 222/2014, a c-summary has already been filed on 15.9.2014 and there is no complaint in that regard. That

only leaves Crime no. 3073/2015, which is under Section 160 of the IPC, which relates to punishment for committing affray. The said offence cannot be said to be of such a nature so as to disentitle the applicant/petitioner for consideration of his application for renewal.

4] The order dated 19.6.2018 passed by the learned Divisional Commissioner, Amravati, in fact at page 82 of the record shows that on the complaint of the petitioner regarding illegal trading of kerosene, he was attacked as a result of which an offence has been registered under Crime No. 13/2012 under Sections 324, 504, 506 of the IPC. However, the said order at page 84 proceeds on an incorrect premises that Crime No. 13/2012 has been registered against the petitioner. That clearly indicates non-application of mind, considering which the impugned orders are hereby quashed and set aside and the matter is remanded back to Respondent No.3/District Magistrate, Yavatmal, for decision afresh according to law, of course after taking into consideration any other material, which would have a bearing upon the question of grant or renewal of license.

5] The petition is accordingly allowed in the above terms. No cost.

**JUDGE**