

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.440 OF 2019

**RAJKUMAR S/O. TANAJIRAO SHRIRAMWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. H. V. Patil, Advocate for the petitioner
Mr. S. W. Mundhe, APP for the respondent/State

CORAM : R. M. JOSHI, J.

DATE : 24th AUGUST, 2023

P.C. :-

1. The present petition is filed taking exception to the order dated 19th October, 2015 passed by the District Magistrate refusing renewal/cancellation of the arms license of the petitioner relying upon report dated 7th September, 2015 submitted by Superintendent of Police, Nanded. It is his contention that the petitioner was not provided copy of the same and without giving an opportunity of hearing on the said document the impugned order came to be passed. He further makes grievance that the Appellate Authority has failed to take into consideration the said aspect and mechanically dismissed appeal.

2. During the course of argument it is revealed that the crime on the basis of which the renewal/cancellation of the arms license was refused has resulted in to the acquittal of the petitioner. Learned counsel for the

petitioner states that in view of the change in circumstance the impugned order passed by the District Magistrate cannot sustain.

3. Since there is change in the circumstances it would be appropriate that the impugned orders are set aside and District Magistrate is directed to decide the application of the petitioner for renewal/cancellation of the arms license afresh in accordance with law. Hence the petition is allowed. The impugned order is set aside. The District Magistrate is hereby directed to pass order on the application of the petitioner for renewal of the license afresh. It is further directed that while passing such order whatever documents are relied upon by the District Magistrate, copy of the same be provided to the petitioner and he be heard.

(R. M. JOSHI, J.)

ssp