

Iresh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 1889 OF 2017

Vikramsinh Dinkarrao Desai

...Petitioner

Versus

The State of Maharashtra and others

...Respondents

Mr. Chetan G. Patil for the petitioner

Mrs. P. P. Shinde, APP for the State

**CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.**

DATE : 16th JUNE 2023

P.C. :

1. By this petition, the petitioner seeks the following substantive relief.

“(A) That this Hon’ble Court be pleased to issue a writ of certiorari or any other appropriate writ, order or direction in the nature of certiorari thereby quashing and setting aside the order dated 17th March 2015 passed by respondent no. 2 herein arising out of the order dated 28th November, 2013 passed by respondent no. 3 herein and further be pleased to allow the application of the petitioner thereby seeking grant of licence under sec. 13 of the Arms Act, 1959 Exhibit A hereto.”

2. Learned APP opposes the petition. She submits that grounds on which arms licence was sought do not survive with passage of time, having become stale. She submits that the respondent No. 3 had rejected the petitioner's application seeking arms licence vide order dated 28th November 2013 and which order was confirmed by the appellate authority vide order dated 17th March 2015. She submits that it is open for the petitioner to file a fresh application seeking grant of arms licence on fresh grounds.

3. In view of the objection raised by the learned APP, learned counsel for the petitioner seeks leave to withdraw the petition with liberty to file a fresh application before the appropriate authority for grant of arms licence on fresh grounds.

4. If an application for grant of arms licence is filed by the petitioner, the said authority to decide the such application on its own merits, uninfluenced by the earlier orders dated 28th November 2013 and 17th March 2015.

5. Petition is disposed of in the aforesaid terms.

All parties to act on authenticated copy of this order.

GAURI GODSE, J.

REVATI MOHITE DERE, J.