

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

CRIMINAL WRIT PETITION NO. 2666 OF 2012

Javed Abdul Kadar Shaikh ... Petitioner

Versus

The State of Maharashtra & Anr. ... Respondents

Ms. Shifa Khan a/w Mr. Khan Abdul Wahab for the Petitioner

Ms. P. P. Shinde, A.P.P for the Respondents-State

**CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.
WEDNESDAY, 24th JANUARY 2024**

P.C :

1 Since we have restored the aforesaid writ petition by a separate order passed today in Interim Application No. 272/2024, the aforesaid writ petition is taken up for final disposal, forthwith, with the consent of the parties.

2 By this petition, the petitioner seeks setting aside and quashing of the impugned order passed by the respondent No. 2- the Commissioner of Police on 30th May 2010 and the order passed by the Appellate Authority on 24th May 2010 and also a

direction to the respondent No. 2 to issue an Arms License to the petitioner, under Section 3 of the Arms Act.

3 The Arms License was sought by the petitioner at the relevant time as he apprehended danger to his life and property.

4 Learned A.P.P states that petition is rendered infructuous, by efflux of time, inasmuch as, the Arms License was sought in the year 2010 i.e. 14 years back and as such, now a fresh assessment would be necessary. She submits that it is open for the petitioner to file a fresh application seeking Arms License, if he so desires. If an application is made, the Competent Authority will decide the said application on its own merits.

5 In view of the aforesaid statement made by the learned A.P.P, learned counsel for the petitioner does not press this petition and seeks leave to withdraw the same with liberty to file a fresh application for Arms License before the Competent Authority.

6 Accordingly, the petition is disposed of as withdrawn with liberty as prayed. Rule is discharged.

7 If an application for Arms License is made by the petitioner before the Competent Authority, the Competent Authority to decide the said application on its own merits in accordance with law, uninfluenced by the earlier orders of 2010 and 2012.

8 All concerned to act on the authenticated copy of this order.

MANJUSHA DESHPANDE, J. REVATI MOHITE DERE, J.