



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

917 WRIT PETITION NO. 12694 OF 2022

1. Pravin s/o. Parmeshwar Ranbagul ... PETITIONER

VERSUS

1. The State of Maharashtra
Through the Principal Secretary

2. The Divisional Commissioner

3. District Magistrate/Dist. Collector ... RESPONDENTS

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Mr.S.S. Gangakhedkar h/f. Mr.R.P. Chebale – Advocate for Petitioner
Mr. P.D. Patil – AGP for Respondents, State

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CORAM : KISHORE C. SANT, J.

DATE : 14th DECEMBER, 2024

PER COURT :

1. Heard learned Counsel for petitioner and learned A.G.P. for respondents, State.

2. This petition is taken up for final disposal by consent of the parties. The petition is filed challenging the order passed by the learned Divisional Commissioner, Aurangabad dated 01.01.2020 rejecting the appeal of the petitioner that was preferred under Section 18 of the Arms Act. The appeal of the petitioner came to be rejected and the order passed by the District Magistrate, Osmanabad dated 30.10.2018 was confirmed.

3. The petitioner had made an application for arms licence. The petitioner has given the reasons showing the need to have licence. The petitioner has undergone a training from one institute giving security training and handling the arms. It is the case of the petitioner that, because of his business, he is required frequently to travel to various places. There is always threat because of his transport business. He further submits that, his driver had to file F.I.R. with the Police Station at Talegaon M.I.D.C., Pune bearing F.I.R. No. 18/2018 as there was attack on the petitioner.

4. The Superintendent of Police, Osmanabad also recommended its application by giving no objection to grant arms licence to the petitioner. However, learned District Magistrate rejected the licence only on the ground that, there is no threat to the life of the petitioner. Till the date there is no threat received by the petitioner from anyone. There is no special case made out. It is further held that, if require the applicant can request the police for protection. No case is made out requiring such arms licence. Learned Divisional Commissioner also rejected the appeal of the petitioner and by relying upon the judgment in the case of **Ram Khelawan Misra Vs. State of U.P. and Anr.**, reported in *AIR 1982 ALL 283* in Writ Petition No. 1460 of 1979. It is mainly held that, no special reason is shown

for getting the licence.

5. Learned Counsel for petitioner vehemently argued that, sufficient apprehension is shown to the life of petitioner and there was also a case filed by the driver, when there was an attack on the petitioner. He further relied on the judgment of this Court in the case of **Pawan s/o. Ashok Bora Vs. The State of Maharashtra and Ors.**, in *Writ Petition No. 9914 of 2016* held that,

10. Now applying these principles of law to the instant case, I find that there was absolutely no valid and good ground for refusal of fire-arm licence to the petitioner, which was admittedly in respect of a non-prohibited fire-arm. Bare perusal of the police report would show that all relevant factors have been answered in favour of the petitioner and yet, at the end of the report, the police has stated that since the petitioner has not so far received any direct or indirect threat, his demand for issuance of fire-arm licence is not appropriate and, as such, the licence be not granted to him. But, this very report says that the grounds given by petitioner for issuance of licence are reasonable and consistent with the purpose for which he intends to procure the non-prohibited fire-arm. It also says that physical and mental condition of the petitioner is suitable for his acquiring and possessing fire-arm. It further says that the petitioner does not reside in or anywhere near the wild life sanctuary or national park. It is also says that no offences so far have been registered

against the petitioner and that, the petitioner was never involved in any private or public dispute. It goes on further all the while speaking in favour of petitioner. It states that the type of fire-arm in respect of which licence has been sought by the petitioner is consistent with the purpose for which he is desirous of keeping fire-arm. It also says that the petitioner has taken training to handle the fire-arm. Lastly, it emphasises that if fire-arm is issued to the petitioner, there is a guarantee that he would not mis-use it. If such is the nature of the police report in this case, I do not understand as to why the District Magistrate did not exercise discretion in favour of the petitioner by granting the requisite licence for non-prohibited fire-arm.

6. This Court in the said case held that, there has no valid good ground for refusal of fire-arm licence to the petitioner. This Court had also relied on the police report submitted by the authorities. Considering the relevant factors in the said case, the police had recommended the proposal of the petitioner therein favourably and in that view the petition was allowed.

7. Learned A.G.P. opposes the petition. He submits that, the Commissioner has rightly considered the application. It is the satisfaction of the authorities i.e. material while granting such licence and he opposes the application.

8. Going through the orders passed by the District Magistrate and the Divisional Commissioner, this Court finds that there is no sufficient reason as to how and why the police report should not be accepted. The commissioner has also only held that, the District Magistrate was not satisfied with the case of the petitioner and has refused to grant licence. This Court finds that the orders are passed without discussion. The case is made out to allow the petition in view of report submitted by the Superintendent of Police, Osmanabad and in view of the judgment passed by this Court in Writ Petition No.9914 of 2016.

9. Considering this, the petition stands allowed in terms of prayer clauses 'C' and 'D' and disposed of accordingly.

10. The District Magistrate to pass necessary orders by the end of January, 2025.

11. This order is passed in the facts and circumstances of the case and not to be treated as precedent.

[KISHORE C. SANT, J.]