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Uday S. Jagtap

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

CRIMINAL WRIT PETITION NO. 1565 OF 2024

Sandeep Murlidhar Bhase .. Petitioner

Vs.

1. The Commissioner of Police
Pimpri Chinchwad, Pune

2. The State of Maharashtra, Through
the Minister (Home Dept.) Mantralaya
Mumbai

.. Respondents

....

Mr. Sudhir Sadavarte for the petitioner

Mr. Ajay S. Patil, APP for the respondent – State

....

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, J.J.**

DATE : 20th AUGUST, 2024.

P.C.

1. Heard learned Counsel for the parties.

2. Rule. Rule is made returnable forthwith, with the consent
of the parties and the petition is taken up for final disposal.

3. Mr. Sadavarte, learned Counsel for the petitioner submits

that both the Authorities i.e. the Assistant Police Commissioner, Administration, Pimpri Chinchwad, Pune as well as the Hon'ble Minister (Home Department), while dismissing the petitioner's application / appeal have observed that there are 3 cases which are pending against the petitioner. He submits that the observation made in both the orders, that 3 cases are pending, is incorrect, inasmuch as, in one case the petitioner was convicted and sentenced to pay fine of Rs.700/- in default to undergo S.I. for 20 days, vide order passed by the learned JMFC on 16.06.2009 and in another case, the petitioner was discharged vide order dated 22.11.2013 by the learned JMFC, (Court No.3), Pune in RCC No. 106 of 2002 and as such, there is only one case, which is pending against the petitioner.

4. Learned APP does not dispute the aforesaid facts.

5. Perused the papers. According to the petitioner due to threats to his life and demand of illegal money from him, he was required to apply for a Arms License to protect his life, life of his family members and his properties. Accordingly, the petitioner

preferred an application under Section 13 of the Arms Act on 03.02.2020 before the Police Commissioner, Pimpri Chinchwad, Pune. After necessary inquiry, the said application was rejected by the Assistant Police Commissioner, Administration, Pimpri Chinchwad, Pune vide order dated 23.10.2020. Pursuant thereto, the petitioner preferred an appeal before the Hon'ble Minister (Home Department). The said appeal was also dismissed by the Hon'ble Minister vide order dated 23.03.2022. Both the aforesaid authorities essentially dismissed the application and the appeal on the premise that there were 3 cases pending against the petitioner at the relevant time. The same is reflected from both the aforesaid orders.

6. Admittedly, out of the 3 cases relied upon by the Authorities only one case is pending against the petitioner i.e. R.C.C. No.2100701 of 2012 before the JMFC, Pimpri. As far as the case registered with Band Garden Police Station, Pune is concerned, it appears that the petitioner has been discharged from the said case by the learned JMFC, Court No.3, Pune vide order dated 22.11.2013 in view of the application filed by the

prosecution under Section 321 of the Cr.P.C. It appears that in another case registered under the Bombay Police Act, the petitioner was convicted and sentenced to pay fine of Rs.700/- in default to undergo S.I. for 20 days, vide order passed by the learned JMFC on 16.06.2009.

7. Thus, both the cases were disposed of way back, one in 2009 and another in 2013 and as such, the observations made by both the Authorities that there are 3 pending cases against the petitioner, are factually incorrect.

8. Considering the aforesaid, we deem it appropriate to quash and set aside the order dated 23.10.2020 passed by the Assistant Commissioner, Administration, Pimpri Chinchwad, Pune and the order dated 23.03.2022 passed by the Hon'ble Minister and remit the matter back to the Assistant Police Commissioner for fresh consideration.

9. Thus, the application filed by the petitioner is restored back to its original file. The Assistant Police Commissioner, Administration, Pimpri Chinchwad, Pune to consider the

application preferred by the petitioner for issuance of Arms Licence dated 03.02.2020 on its own merits in accordance with law, uninfluenced by the earlier two orders dated 23.10.2020 and 23.03.2022. The said application to be decided expeditiously.

10. Rule is made absolute in the aforesaid terms and is accordingly disposed of.

11. The petition is disposed of accordingly.

12. All the parties to act on authenticated copy of this order.

(PRITHVIRAJ K. CHAVAN, J.) (REVATI MOHITE DERE, J.)