



CWP-17390-2023

-1-

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

207

CWP-17390-2023

Date of decision:26.09.2024

MITHUN KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Ajay Kumar Rana, Advocate for the petitioner.

Mr. Sharad Aggarwal, DAG, Haryana.

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**SUVIR SEHGAL, J.**

1. Instant writ petition has been filed under Articles 226/227 of the Constitution of India *inter alia* for issuance of a writ in the nature of certiorari for quashing orders dated 24.05.2022 and 10.11.2022, Annexures P-4 and P-6, passed by respondent-authorities, whereby petitioner's firearms license has been revoked and appeal has been dismissed.

2. Counsel for the petitioner submits that the petitioner possessed a license under the Arms Act, 1959, bearing No.3669/DM/KTL/Nov.13, which was valid upto 27.10.2019. He submits that a show cause notice was issued to the petitioner and he submitted a reply stating that although petitioner was named as an accused in three criminal cases, but by judgment dated 23.09.2014, Annexure P-1, he had been acquitted in FIR No.97 dated 20.09.2013 lodged for offences under Sections 323, 324, 506 and 34, IPC, 1860, at Police Station Siwan. Counsel submits that insofar as the other two

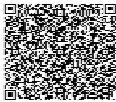
**CWP-17390-2023****-2-**

criminal cases are concerned, petitioner was convicted for offence under Section 13 of the Gambling Act, 2005, and was sentenced to fine vide judgments, Annexures P-2 and P-3. Counsel submits that upon being satisfied, Superintendent of Police, Kaithal, submitted a report recommending the renewal of the license, however, the Licensing Authority vide impugned order, Annexure P-4, rejected the application and revoked the license while simultaneously instructing the petitioner to deposit the weapon at the police station. Counsel submits that the appeal filed by the petitioner has been rejected by the Divisional Commissioner, Karnal, respondent No.1 vide impugned order, Annexure P-6, without considering these facts. It is his positive case that the Appellate Authority has not examined the case on merits and has dismissed the appeal with a closed mind.

3. Writ petition has been contested by the respondents by filing separate replies. Stand taken in the response filed by the respondents is that as the petitioner was convicted in two criminal cases, he is unfit to hold a firearms license. State counsel has supported the orders under challenge.

4. I have heard counsel for the parties and considered their respective submissions.

5. A perusal of the impugned appellate order, Annexure P-6, shows that it has been passed without recording any reason whatsoever. After noticing the arguments addressed by the parties, Appellate Authority has simply endorsed the order passed by the District Magistrate without dealing with the arguments raised by the petitioner. It is the duty of the appellate forum, which is a quasi-judicial authority to independently examine the issues raised and to decide them by assigning good and



CWP-17390-2023 -3-

sufficient reasons. In Kranti Associates Pvt. Ltd. and another Versus Masood Ahmed Khan and others (2010) 9 SCC 496, the Hon’ble Supreme Court has held that recording of reasons has become an indispensable component of decision making process and facilitates the process of judicial review by superior Courts. Apex Court has observed that insistence on reasoning is a requirement for both judicial accountancy as well as transparency. As the impugned order, Annexure P-6, is bereft of reasons and there is non-application of mind, it cannot be sustained.

6. For the afore-going reasons, Annexure P-6, is set aside and the matter is remitted to the Appellate Authority to decide it again by passing a reasoned order after hearing the parties.

7. Petition is disposed of.

8. Parties are directed to appear before the Divisional Commissioner, Karnal, on 05.11.2024, at 10:00 A.M., for further proceedings.

26.09.2024  
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(SUVIR SEHGAL)  
JUDGE

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |