

CWP-20616-2023

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

(102)

CWP-20616-2023

Date of decision:- 18.01.2024

Rajvir Singh

...Petitioner

Versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Ramesh Malik, Advocate
for the petitioner.

Mr. Aman Bahri, Additional Advocate General, Haryana.

...

SUVIR SEHGAL, J. (Oral)

1. By way of present writ petition filed under Article 226/227 of the Constitution of India, petitioner has approached this Court for issuance of a writ in the nature of certiorari for quashing order dated 29.03.2023, Annexure P-3, passed by respondent No.3, whereby application for grant of Arms Licence has been rejected, as well as order dated 03.07.2023, Annexure P-6, passed by respondent No.2, whereby, appeal filed by the petitioner has been dismissed.

2. Counsel for the petitioner has urged that the Appellate Authority has not decided the appeal on merits and it has been simply dismissed on account of the non-appearance of the counsel for the petitioner.

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3. Advance copy of the petition has been served upon the State.
4. By referring to the allegations leveled in FIR No.0282, dated 24.10.2017, registered for offences under Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Section 25 of the Arms Act, 1959, Sections 323, 34, 341 and 506, IPC, at Police Station Sahlawas, District Jhajjar, Annexure P-7, State counsel submits that the allegation against the petitioner and his family is of misusing of the revolver and intimidating the complainant. He submits that the FIR, Annexure P-7, is pending since 2017, and the petitioner has not apprised the authorities about its latest status. State counsel could not dispute that the appeal has not been considered on merits.
5. I have heard counsel for the parties.
6. Impugned order dated 03.07.2023, Annexure P-6, passed by the Divisional Commissioner, Rohtak Division, Rohtak, reads as under:-

“19-06-2023-Monday

The court proceedings could not be conducted today due to the involvement of Presiding Officer being busy in administrative work. Therefore, this case may be put up on Monday dated 03.07.2023 before the Presiding Officer for further proceedings.

*Sd/-
Reader*

03-07-2023: Monday

The case was presented and the parties were called. The appellate arms licence holder and the advocate were absent. Even inspite of calling time and again the appellant and the advocate did not present themselves before the presiding officer.

It makes it clear that he does not pursue his petition further and is wasting the time of the court. The court time is over. Therefore, the abovementioned case is dismissed on merits in his absence. The case file after compliance be consigned to record room.”

7. Perusal of the impugned order, Annexure P-6, shows that the proceedings could not be conducted on 19.06.2023, as the Presiding Officer was tied up in the administrative work and on 03.07.2023, appeal has been dismissed “on merits” in the absence of the counsel for the petitioner. It is evident that the appeal was not decided on merits and there is no reason assigned in the impugned order for rejecting the appeal. Therefore, this Court of the view that the Appellate order cannot be sustained and the appeal deserves to be redecided.

8. Consequently, impugned order, Annexure P-6, is set aside. Matter is remitted to the Appellate Authority, who shall hear the petitioner, consider his arguments and pass a fresh order. Petitioner shall apprise the Appellate Authority about latest status of the criminal case in which he is alleged to be involved.

9. Petition is disposed of.

(SUVIR SEHGAL)
JUDGE

18.01.2024
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes