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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4118/2023 & CM APPL. 65422/2023**
SANJAY GAMBHIRPetitioner

Through: Mr. Shiv Chopra, Ms. Surbhi Arora
and Mr. Siddharth Arora, Advocates.

versus

STATE OF NCT OF DELHI & ORS.Respondents

Through: Ms. Hetu Arora Sethi, ASC with Mr.
Arjun Basra, Advocate and SI
Ramanand, Licensing Branch.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

06.11.2024

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1. The Petitioner has filed the present writ petition seeking directions to Respondent No. 2 to decide the application filed by the Petitioner in terms of the gun license no. SDHK/050289, SDMN/1998/66 for NPB 0/25 Bore Pistol No. 290253, Colt (USA).

2. In this regard, it is important to take note of the counter affidavit filed by Respondent No. 2 – the Additional Commissioner of Police, Licensing Unit, wherein they have apprised the Court as under:

“5. In this respect it is submitted that on 25/06/1998, an Arms License bearing No. SDMN/5/1998/66 (Old No. SDHK-050289) was issued to one Mr. Sanjay Gambhir (petitioner) S/o Sh. Surinder Gambhir Rio N-56, Panchsheel Park, New Delhi by the DCP/Licensing and endorsed with one weapon i.e. 25 bore Pistol No. 290253USA which was valid within the jurisdiction of Delhi & Haryana and was last renewed upto 31/05/2013.

6. On 29/05/2013, the Petitioner approached the office of Respondent



no. 02 for renewal of his Arms License wherein the Petitioner mentioned about his involvement in case FIR No. 43/2011 u/s 409/420/120(8) IPC, PS EOW, Delhi in the renewal form.

7. Thereafter, a letter dated 08.06.2013 was sent to the DCP/EOW whereby seeking the current status along with a copy of FIR & Charge Sheet filed in the aforesaid case, as directed by the then Licensing Authority. Further, reminders dated 03.05.2019 & 21.03.2023 were also sent to the DCP/EOW regarding the same.
8. In this regard, a letter dated 13.06.2023 was received from the DCP/EOW informing of the present status of the above said case FIR No. 43/2011, against the Petitioner/Sh. Sanjay Gambhir, whereby it was informed that investigation of the case FIR No. 43/2011 dated 03/03/2021 U/s 409/420/120(B) IPC, PS EOW has already been completed and the charge sheet has been filed in the court. At present the case is pending trial before the Hon'ble Court of Ld. CMM/South District, Saket Court, Delhi. A copy of the letter dated 13.06.2023 is annexed herewith as ANNEXURE R-1.
9. It is submitted that since the petitioner was found involved in case FIR No. 43/2011 u/s 409/420/120(B) IPC, PS EOW, Delhi and reply was sought from the EOW, therefore, he was directed to deposit his Arms License Booklet as well as licensed weapon till the disposal of the case or otherwise. It is submitted that that it is mandatory for a person involved in a criminal/court proceeding to disclose the said fact to the licensing authority within stipulated time, in the instant case the Petitioner failed to do and only disclosed of the said involvement during the renewal process.
10. The Joint Commissioner of Police, Licensing Unit has issued a show cause notice dated 18.08.2023 in pursuance to Section 17(3) of the Arms Act, 1959, to the Petitioner whereby suspending the arms license no. SDMN/5/1998/68 with immediate effect and further sought reply as to why Petitioner's arms license should not be cancelled. It is submitted that the reason for the said decision is the involvement in the above said crime and non-disclosure by the Petitioner of his involvement in the FIR No. 43/2011 within stipulated time to the licensing unit. The Arms Rule, 1959, mandates that any such involvement must be intimated to the Licensing Unit immediately. However, the petitioner only disclosed the same while seeking renewal of his license. A copy of the Show Cause Notice dated 18.08.2023 is annexed herewith as ANNEXURE R-2.



11. *It is submitted that an alternate remedy under the Arms Act, 1959 is available to the Petitioner. The said order of the Licensing Authority is appealable under Section 18 of the Arms Act, 1959 and Rule 107 of the Arms Rule, 2016.*
12. *In view of the submissions in the foregoing paragraphs, it is in the interests of justice that the present petition be dismissed.”*

3. Therefore, as is clear from the aforementioned counter affidavit, the Joint Commissioner of Police, Licensing Unit has issued an order-cum-show cause notice dated 18th August, 2023, to the Petitioner suspending the arms license no. SDMN/5/1998/68 with immediate effect on account of non-disclosure of the Petitioner's involvement in FIR No. 43/2011. Furthermore, Respondent No. 2 has also made it clear that there exists a statutory remedy against the order of the Licensing Authority under Section 18 of the Arms Act, 1959 and the Arms Rules, 2016.

4. In light of the above, the present writ petition is disposed of along with pending application(s).

5. It is made clear that in case the Petitioner would like to give a response to the said show cause notice and/or contest the proceedings, he shall be free to do so in accordance with law. All rights and contentions of the parties are reserved.

SANJEEV NARULA, J

NOVEMBER 6, 2024

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