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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 3270/2024

LAXMI

.....Petitioner

Through: Mr. Gaurav Sahrawat &
Ms. Neha Dubey, Advs.
Petitioner in person

versus

STATE NCT OF DELHI AND ORSRespondents

Through: Mr. Amol Sinha, ASC for
the State
SI Dinesh Kumar, PS-
Nand Nagri

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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05.12.2024

1. The petitioner challenges the order dated 07.08.2024 (hereafter '**impugned order**'), passed by the Court of Hon'ble Lieutenant Governor, Delhi, in Case No. 20/24, whereby the appeal filed by the petitioner under Section 18 of the Arms Act, 1959, challenging the order passed by the Joint Commissioner of Police (Licensing), was rejected.
2. The petitioner's application seeking grant of new Arms License was rejected by the concerned Authority as it was found that the petitioner did not satisfy the criteria laid down in Rule 12(3) of the Arms Rules, 2016. It was further observed that no incident of specific threat, intimidation or attempt at extorting or any general or good reason for grant of arms license was found and the case was not recommended by the local Police.
3. The petitioner's appeal to the Hon'ble Lieutenant Governor was dismissed by the impugned order after noting that considering the safety needs of the petitioner, the Police has already assigned a Personal Security Officer ('**PSO**') to the



appellant.

4. The Hon'ble Lieutenant Governor also took note of the order dated 12.09.2022, passed in W.P.(Crl.) 415/2022, where this Court noted that the PSO has already been assigned to the petitioner during the day time and the PSO is also to accompany her when she has to go for attending the Courts. It was noted that the petitioner can thus not be provided the arms license.

5. The learned Additional Standing Counsel for the State has handed over the letter dated 20.09.2024, which indicates that the security arrangements of the district's protectees were reviewed by the Security Review Committee and it was recommended that the PSO be now provided to the petitioner during Court appearances only. It was directed that necessary action be taken in accordance with the recommendations of Security Review Committee.

6. He submits that pursuant to the same, the security provided to the petitioner has been reduced.

7. Concededly, the impugned order was passed by the Hon'ble Lieutenant Governor after considering that the PSO has already been provided to the petitioner during the day time as well as while attending the Court proceedings.

8. It is relevant to note that the order dated 12.09.2022 was passed by this Court in W.P.(CRL) 415/2022 after noting that the threat to the petitioner is found to be genuine.

9. It is undisputed that the threat apprehended by the petitioner, at that stage, is due to the same circumstances as are existing even today, that is, multiple cases being registered against some of the persons living in her neighbourhood, who are allegedly involved in illegal activities like smuggling of drugs, selling of illicit liquor etc. It is not disputed that the said cases



registered at the instance of the petitioner are still pending before various Courts.

10. The petitioner is, concededly, a relevant witness in those cases.

11. As noted above, the main ground for which the Hon'ble Lieutenant Governor dismissed the appeal preferred by the petitioner was because the petitioner was being provided a PSO during the day as well as for attending the Court.

12. Admittedly, the petitioner is no longer provided with a PSO during day time pursuant to the recommendations of the Security Review Committee.

13. In view of the aforesaid discussion, the Court considers it apposite to set aside the impugned order and direct the learned Deputy Commissioner of Police (Licensing) to pass a fresh order on the request of the petitioner for grant of arms license within a period of four weeks from date.

14. Since the reason for which the threat was apprehended *prima facie* exists even today, that is, multiple cases registered against the neighbours at the instance of the petitioner, the respondent authorities are directed to consider the present petition as a representation and pass a fresh order in regard to the need of providing security to the petitioner in future.

15. In the meantime, the concerned respondent authority is directed to continue with the same security arrangement in regard to the petitioner as was being provided to her prior to 20.09.2024.

16. The petition is disposed of with the aforesaid observations.

AMIT MAHAJAN, J

DECEMBER 5, 2024/“SS”