10.06.2025
Court No.13
Item No. 12
sp

MAT 1980 of 2017
With
CAN 2 of 2025
Subrata Mukhopadhyay
Vs.
State of West Bengal & Ors.

Mr. Soumyadeep Biswas.

..for the appellant.

Re: CAN 2 of 2025.

1. CAN 2 of 2025 is an application for condonation of about in filing the instant appeal.

2. Sufficient grounds are available to explain the delay in filing the memorandum of appeal.

3. In that view of the matter, CAN 2 of 2025 is allowed. Delay in filing the instant appeal is condoned.

4. CAN 2 of 2025 is, thus, disposed of.

Re: MAT 1980 of 2017

5. The subject matter of the appeal is an order dated 15th September, 2017 passed by a Single Bench of this Court.

6. By the said order, the Court upheld the decision of an appellate authority dated 14th June, 2017 under the provisions of Section 18(1) of the Arms Act, 1959.

7. The Single Bench found that there was no scope for interference with the quasi judicial order since no violation of principle of natural justice and there was no perversity in the order.

8. Learned counsel for the appellant submits that while his client was duly heard by the appellate authority, a confidential report of the SI of Police, Katwa, was not furnished to him. It further appears that the appellate authority found that the appellant was guilty of consuming electricity illegally and a complaint case is pending against him. The SDO, Katwa has commented that the appellant does not have a healthy reputation in the society and cases have been lodged against him under Section 135(1)(b) of the Indian Electricity Act, 2003.

9. This Court finds that there is an element of discretion left to the authorities under the Arms Act, to determine as to whether a licence once given can be revoked or not. There is an element of subjectivity involved in the same.

10. Given the findings of the first appellate authority, this Court is of the view that the revocation of the licence of the appellant, is in accordance with law and Sections 17 and 18 of the Arms Act, 1959.

11. The appellant was duly heard and this Court does not find any serious violation of the principles of natural justice. The appellant has not been able to demonstrate any prejudice for non-supply of the report of the Katwa Police Station against him.

12. In view of the above circumstances, MAT 1980 of 2017 fails and is hereby dismissed.

13. Interim orders, if any, shall stand vacated.

14. There shall be no order as to costs.

15. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)