



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2658 OF 2025

SACHIN BHAGWATRAO SANAP

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS**

...

Mr. Dhananjay A. Mane, Advocate for the Petitioner.

Mr. P. D. Patil, AGP for Respondents-State.

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : 12th JUNE, 2025.

P.C.:-

1. The petitioner impugns order dated 27.01.2025 passed by learned District Magistrate, Beed, thereby canceling arms license issued in favour of petitioner.

2. Mr. Mane, learned Advocate appearing for petitioner submits that petitioner is holding arms license since 27.12.2023. The license permits him to carry revolver/pistol. The validity of license is till 2027. The petitioner who is discharging duties as Circle Officer was subjected to false complaint filed by one Rakesh Jadhav. Accordingly, Crime No.405/2024 has been registered against him at Shivajinagar Police Station, Beed for offence punishable under Section 7 of the Prevention of Corruption Act, 1968. The petitioner was arrested on 22.08.2024 and thereafter, released on bail. However, taking note of aforesaid events, Deputy Superintendent of Police, Anti-corruption Bureau, Beed issued

communication dated 05.09.2024 and requested learned District Magistrate, Beed to take necessary steps under the provisions of MCS Act. Similarly, learned District Collector on the basis of letter dated 05.09.2024, without issuing show cause notice to petitioner passed impugned order dated 27.01.2025, thereby canceling license. According to Mr. Mane, cancellation of arms license can be only in accordance with provisions of Section 17 of Indian Arms Act. According to him, none of such ground is available in present case. As such, impugned order is liable to be quashed and set aside being in violation of principles of natural justice and contrary to provisions governing revocation of license.

3. Per contra, Mr. Jadhavar, learned AGP relying upon affidavit-in-reply filed by Mr. Chandrakant Shelke, Tahsildar, Beed would submit that Deputy Superintendent of Police, Anti-corruption Bureau, Beed vide communication dated 05.09.2024 submitted report to District Collector and recommended to take action against petitioner as per provisions of Government Circular dated 12.02.2013. As such, in view of registration of Crime No.405/2024 against petitioner and report dated 05.09.2024 submitted by Deputy Superintendent of Police, Anti-corruption Bureau, Beed action is taken in terms of Section 17 of the Indian Arms Act.

4. Having considered submissions advanced by learned Advocates appearing for respective parties, it can be observed that although action of revocation of license is taken in terms of Section 17 of Indian Arms Act, apparently petitioner was not served with show cause notice before revocation of license. Plain reading of Section 17, particularly Sub-clause (3) shows that Licensing Authority may revoke license for any of the condition as enumerated in Clause Nos.3(a) to 3(e). The Clause No.17(3)(d) suggests that if any conditions of license has been contravened, Licensing Authority may revoke license. In present case, although it is mentioned in impugned order that petitioner has violated terms and conditions of Arms Act, 2016, no particulars of such violation are mentioned. In any case, if petitioner was guilty of any such violation, it was expected that a show cause notice is given to him calling upon to put up his stand. Apparently, reason for revocation of license is registration of Crime No.405/2024 for offence punishable under Section 7 of the Prevention of Corruption Act.

5. Mr. Mane, learned Advocate appearing for petitioner relying upon judgment of Allahabad High Court in case of ***Mahendra Singh Yadav Vs. State of U.P. and 3 Others (Writ. C. No.34646/2019*** dated ***20.12.2023***) submits that mere pendency of criminal proceeding is not good ground for revocation or

cancellation of license. Definitely there is substance in contentions of petitioner. Merely on the basis of registration of crime, revocation of license is not contemplated under Section 17 of the Arms Act. In that view of the matter, impugned order is unsustainable in law. In result, Writ Petition stands allowed in terms of prayer Clause (B).

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/June-2025