



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

CRIMINAL WRIT PETITION NO.1075 OF 2024

Rajendra @ Raju Jeevanlal Bamb,
Age : 51 years, Occ : LIC Agent,
R/at Lane No.7, Old Dhule,
Subhash Nagar, Dhule-424001.

...PETITIONER

-VERSUS-

1. The State of Maharashtra.
2. The Divisional Commissioner,
Nashik Division, Nashik.
Having office at Government Colony,
Nashik-422101.
3. The District Magistrate, Dhule.
Having office at Garud Baug,
Navnath Nagar, Dhule-424001.
4. The Deputy Superintendent of Police
(Home), Dhule.
Having office at Navnath Nagar,
Dhule 424001.
5. The Police Office in-charge of
The Azadnagar Police Station,
Dhule.
Having office at Lane No.7,
Navnath Nagar, Dhule-424001.

...RESPONDENTS

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Shri Abhishek R. Avachat, Advocate for the petitioner through
V.C.

Shri D.B. Bhangе, APP for the respondents/ State.

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CORAM : SUSHIL M. GHODESWAR, J.

Reserved on : 24 September 2025

Pronounced on : 29 September 2025

JUDGMENT :-

1. Heard.
2. Rule. Rule made returnable forthwith and by consent of parties, heard finally.
3. By this petition under Article 227 of the Constitution of India, the petitioner is assailing the order dated 04.04.2024 passed by the Divisional Commissioner, Nashik Division, Nashik, in Arms Licence Appeal No.17/2023 thereby, affirming the order dated 29.08.2023 passed by the District Magistrate, Dhule, revoking the petitioner's Arms Licence No.10/2017.
4. According to the petitioner, he was granted Arms Licence No.10/2017 on 25.04.2017 and since then he has been in possession of firearm i.e. pistol. The said arms licence was regularly renewed from April 2017 to 31.12.2022. However, in 2022, six criminal cases came to be registered against the

petitioner with different police stations. Therefore, vide letter dated 18.03.2023 respondent No.5 Police Inspector through respondent No.4 Deputy Superintendent of Police, forwarded the proposal to respondent No.3 District Magistrate requesting for revoking the petitioner's arms licence. The said proceedings were contested by the petitioner by filing his say dated 20.06.2023. However, respondent No.3, vide impugned order dated 29.08.2023, revoked the arms licence. Being aggrieved by said order, the petitioner filed Arms Licence Appeal No.17/2023 before respondent No.2 Divisional Commissioner, which came to be dismissed vide impugned order dated 04.04.2024. Hence, this petition.

5. Learned advocate for the petitioner submitted that respondent No.3 District Magistrate has virtually failed to give any valid reason for revoking his licence. A glance at the said order would reveal that same is cryptic and unreasoned one. According to him, there was no material before both the authorities below to arrive at any conclusion for revoking licence and therefore, they ought not to have passed the impugned orders. There was absolutely no material put forth by the Police

Authorities before the adjudicating authorities below to arrive at subjective satisfaction or strong conclusion that the petitioner's arms licence needs to be revoked. Learned advocate vehemently submitted that the sole ground for revocation of licence is that there are multiple cases registered against the petitioner and he may pressurize witnesses of said cases. However, mere registration of criminal cases without there being sufficient other material to show that there is direct threat to public at large or there is breach of public peace or harm to public safety, is no ground to revoke arms licence.

6. In support of his above submissions, learned advocate for the petitioner placed reliance upon the decisions rendered by this Court in *Ajay Jayawant Bhosale vs. Commissioner of Police, Pune City and others, reported in (2016) 3 AIR Bom R (Cri) 90 : (2016) 4 Bom CR (Cri) 153* and *Shri Paresh Diliprao Kolhe vs. The State of Maharashtra and another, Criminal Writ Petition No.0117/2018 (Aurangabad Bench)* decided vide order dated 05.02.2019. He submitted that in these judgments, this Court was pleased to observe that Section 17(3)(b) of the Arms Act, 1959, authorizes the Licensing

Authority to cancel or revoke the licence if he deems it necessary for security of public peace or for public safety. Section 17(3)(b) indicates that in case the licencing authority is subjectively satisfied that in a given case, if continuation of licence endangers public peace or public safety then he is empowered to cancel or revoke the licence. According to learned advocate for the petitioner, in the case in hand, offences which are registered against the petitioner in 2022, are mostly registered for offences punishable under the provisions of the Money Lending Act and ancillary provisions of the Indian Penal Code. Thus, said offences are not pertaining to disturbance to public peace or public safety and as such, no occasion has arisen to revoke the arms licence. He, therefore, prayed for quashing the impugned orders.

7. *Per contra*, learned APP strongly opposed the petition. He submitted that the impugned orders are proper, correct and within parameters of law. The authorities below have given sufficient opportunity of hearing to the petitioner before passing impugned orders. Since the authorities did not commit any mistake or error while adjudicating the proceedings and

passing impugned orders, no interference is called for in impugned orders. He, accordingly, supported impugned orders and prayed for dismissal of the petition.

8. After hearing learned advocates, I have gone through impugned orders and records available. It is well settled position of law that the authorities, while passing an order for revocation of arms licence under Section 17(1)(b) of the Arms Act, 1959, ought to have arrived at subjective satisfaction. In this regard, learned advocate for the petitioner has rightly placed reliance on the judgment in ***Ajay Jayawant Bhosale (supra)***, wherein, the Hon'ble Division Bench of this Court has observed in paragraph Nos.12 and 13 as under:-

“12. *The question, therefore, arises as to whether there was sufficient material placed before the Commissioner of Police for arriving at subjective satisfaction that continuation of licence or renewal would be endangering public peace or public safety. It seems that the show-cause notice was issued by the Commissioner, Pune consequent to filing of application by the petitioner to the Home Department of the State Government for getting all India arms licence. Nevertheless at any stage the licensing authority after getting subjectively satisfied and on the basis of material placed before it could revoke licence under Section 17 of the Act but whether there was sufficient material with the licensing authority to pass order of revocation.*

13. *The right to life and liberty are guaranteed under*

Article 21 of the Constitution of India. Arms licence is granted for personal safety and security after due enquiry by the authorities in accordance with provisions contained in the Arms Act, 1959. The provisions of Arms Act with regard to suspension or cancellation of Arms licence cannot be invoked lightly in an arbitrary manner. The provisions of the Arms Act particularly Section 11/14 WP594.13.sxw 13 to 17 indicate that once a licence is granted under the Act, the same shall be renewed from time to time unless there exist a ground of refusal as enumerated under Section 14 of the Act. Protection to life, property of citizen is responsibility of the State. It is only when person apprehends that machinery of State would not come to his help for protection, he/she applies for licence under the Act. The provisions of Section 17-A of the Arms Act indicate that arms licence can be cancelled or suspended if the licensing authority finds it necessary for the security of public peace or public safety. Merely because a criminal case is pending, the provisions of Section 17 of the Arms Act would not be attracted. Such provisions would be attracted in case the licensing authority finds that continuance of licence is detrimental to public peace or public security and safety. But the authority concerned will have to record a finding that how and under what circumstances and in what manner possession of arms licence could be contrary to the provisions of Section 17-B of the Arms Act. Each case is required to be considered on its own merits.”

9. As is observed in ***Ram Murti Madhukar vs. District Magistrate, Sitapur, reported in 1999 CriLJ 3712 : 1999 All LJ 1518***, it is also well settled that mere pendency of criminal cases and apprehension of abuse of arms licence, are not sufficient grounds for revoking the licence under Section 17(3)(b) of the

Arms Act, 1959.

10. In the light of above factors, I am of the view that the authorities below have failed in revoking the petitioner's arms licence. As such, the petition succeeds. The Writ Petition is allowed and the impugned orders are quashed and set aside.

11. Rule is made absolute in the above terms.

kps

(SUSHIL M. GHODESWAR, J.)