



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

917 WRIT PETITION NO. 7692 OF 2022

PRADIP PRABHAKAR KOLHE

VERSUS

THE STATE OF MAHARASHTRA THROUGH DIVISIONAL COMMISSIONER
AND OTHERS

.....

Adv. Ranjita Barhate (Deshmukh) h/f Mr. Y. R. Barhate, Advocate for the
petitioner

Mr. S. N. Kendre, AGP for the respondent/State

CORAM : R. M. JOSHI, J.

DATE : 11th MARCH, 2025

PER COURT :-

1. The petitioner has filed this petition as if it is his right to get fire-arm license from the Authority under the provisions of the Firearms Act, 1925. This petition takes exception to the orders passed by the Collector dated 6th September 2021 refusing the application for arms license and confirmation of the said order by the Divisional Commissioner.

2. It is a case of the petitioner that he is a priest in a Church. He claims that there occurred incident in past on account of which he has fear to his life and in order to protect himself he wishes to have the fire-arm license. He made application on 8th February, 2021 under the provisions of Sections 3 and 4 of the Arms Act 1959. This application was

considered by the Authorities. The report was called, wherein it is revealed that there is no threat to the life of petitioner in order to issue fire-arm license to him. It is observed that there is no grave and imminent threat and hence Collector refused the said application. The Divisional Commissioner, Nashik in Arm License Appeal bearing No. 37 of 2021 confirmed the order passed by the Collector.

3. Learned counsel for the petitioner has drawn attention of the Court to MLC dated 12th January, 2021 in order to contend that there is threat to the life of the petitioner. She however, admits that there is no report lodged by the petitioner in respect of any incident which has occurred with him in the past. She placed reliance on the judgment of this Court in case of ***Pawan Ashok Bora Versus The State of Maharashtra and others in Writ Petition No. 9914 of 2016***, wherein according to her this Court has directed issuance of the arm license for the reason that the threat perception is not a ground for granting such license.

4. Learned AGP supported the impugned orders.

5. At the outset this Court finds it necessary to take into consideration the judgment of this Court in case of ***Pawan Ashok Bora*** (supra), wherein on taking into account the factual matrix of the said case law recorded a finding that when a threat perception which can be

gathered from the material on record and only for the reason that police does not consider this to be the genuine threat, it cannot become a ground for refusal of a license. This Court therefore finds no substance in the contention of learned counsel for petitioner that even if there is no threat perception, still arms license can be issued.

6. As far as present case is concerned, admittedly there is no complaint made by the petitioner in respect of occurrence of any incident against him in the past. The MLC dated 12th January, 2021 indicates that it was a case of quarrel between the petitioner and another person in which he had sustained some injury to his right hand. This Court is unable to accept the contention of the learned counsel for the petitioner that this incident is sufficient to indicate that there is a imminent and grave threat to the life of the petitioner in order to permit to acquire any arm license. Merely because the petitioner is priest of a Church, he does not get special privilege. Even otherwise the contention of the learned counsel for the petitioner cannot be accepted for the reason that if the arm license is to be issued without even considering the imminent and threat perception to such person, the provisions of Arms Act would become redundant.

7. In the instant case, having regard to the facts of the case no fault is found with the orders of refusal of the firearm license by the

Collector and confirmation thereof Divisional Commissioner.

8. Hence, petition stands dismissed.

(R. M. JOSHI, J.)

ssp