



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8389 OF 2022

Prakash Ramrao Bodkhe

...Petitioner

VERSUS

The State of Maharashtra & others

.....Respondents

Mr. H. H. Padalkar, Advocate for the Petitioner.

Mrs. M. L. Sangeet, AGP for the State.

CORAM : R. M. JOSHI, J.

DATE : 15th OCTOBER, 2025.

PER COURT :

1. This Petition takes exception to the order dated 20.04.2017 passed by the Commissioner of Police, Chhatrapati Sambhajanagar, refusing to renew the arm licence issued on 18.08.1998 in favour of the Petitioner on the ground that renewal of the licence would not be in public interest and it would be prejudicial to the maintenance of public peace and order. This order was taken exception before the Hon'ble State Minister (Home-Cities), Maharashtra State, by filing Appeal No. एएलएस ०६१७/ए-१४९/पोल-०९ unsuccessfully. Hence, this Petition.

2. It is the case of the Petitioner that he is having two different arm licences issued in the year 1998 and 1999 respectively.

It is his further case that his licence was cancelled and hence Criminal Writ Petition No. 93/2008 came to be filed before this Court wherein the order passed by the Commissioner of Police dated 10.10.2006 came to be set aside. On 04.02.2017, Petitioner filed Application with Respondent No. 2 seeking renewal of licence. Since no action was taken by the authority concerned for renewal of the licence, Criminal Writ Petition No. 444/2017 came to be filed before this Court seeking appropriate directions. The said petition was disposed of being pre-mature. Thereafter, the Commissioner of Police by passing order dated 20.04.2017, refused to renew the licence bearing No. CP/AGD/09/III/1998. Petitioner challenged this order before the Hon'ble Minister by preferring Appeal. As the said Appeal was dismissed, this Petition.

3. Learned counsel for Petitioner submits that once the Petitioner has been issued fire arm licence, it is his right to seek renewal thereof unless the case is covered by Section 17 of the Arms Act. It is his submission that only on the ground that there are two offences bearing Crime No. 87/2002 and 70/2014 registered against him with Chawni Police Station, it is held that it would be prejudicial to the maintenance of public peace and order. It is his submission

that so far as the offence under Crime No. 87/2002 is concerned, this Court in Criminal Writ Petition No. 93/2008 by order dated 17.07.2009 has held that the licence cannot be refused to be renewed on the ground of registration of Crime No. 87/2002 as the Petitioner was not at all possessed of fire arm on the date of registration of the said crime. It is his further submission that name of the Petitioner was not mentioned in the First Information Report in Crime No. 70/2014. He drew attention of the Court to the judgment of the Division Bench of this Court in case of Ajay Jayawant Bhosale vs. The Commissioner of Police, Pune and others, **2016 ALL MR(Cri) 4073**. Finally, it is argued that Crime No.87/2002 has resulted into acquittal of the Petitioner.

4. Learned AGP supported the impugned order by contending that registration of two offences against the Petitioner creates a ground to believe that renewal of the arm licence of Petitioner would be prejudicial to the interest of public safety.

5. There cannot be any dispute with regard to the proposition that to acquire/get arm licence is not a matter of right for the Petitioner. However, once he gets the licence, it is within his right

to seek renewal thereto unless renewal would be refused under Section 17 of the Arms Act. Relevant provision of Section 17 of the Arms Act is reproduced thus :-

17. Variation, suspension and revocation of licences-

(1)

(2)

(3) The licensing authority may by order in writing suspend a licence for such period as it thinks fit or revoke a licence-

(a)

(b) if the licensing authority deems it necessary for the security of the public peace or for public safety to suspend or revoke the licence; or....”

6. Perusal of the said provision indicates that the authorities are required to ascertain on the basis of material on record to hold that the security of public peace or public safety to suspend or revoke the licence. Here in this case, as held by this Court in Criminal Writ Petition No. 93/2008 that registration of Crime No. 87/2002 cannot become ground for non-renewal of arm licence. Apart from this, it is pertinent to note that there is no allegation in both the offences of using of arm licence by the Petitioner. It is difficult to accept that on account of crime registered

in the year 2002, the authorities have refused to renew the licence. Moreover, there has to be sufficient material before the Commissioner of Police to arrive at subjective satisfaction that continuation of licence or renewal would be endangering public safety and public peace. In the instant case, there is absolutely no material on record to hold so. Apart from the fact that the licence has not been used in the crime recorded against the Petitioner, he was granted fire arm licences in two consecutive years i.e. 1998 and 1999. This fact falls in favour of the Petitioner to accept his contention that the fire arms are necessary for his personal safety. In such case, the refusal of renewal of licence cannot be allowed to be done lightly.

7. As a result of above discussion, order passed by the Commissioner of Police dated 20.04.2017 cannot sustain. The Hon'ble Minister (Home-Cities) has not considered the contention sought to be raised by the Petitioner and has rejected the Appeal only for the reason that there are two offences registered against the Petitioner, which cannot by itself become a ground for non-renewal of the arm licence.

8. Consequently, Petition deserve to be allowed. Impugned order is set aside. The Commissioner of Police, Chhatrapati Sambhajinagar to renew the licence of the Petitioner within a period of two weeks from today.

9. Petition stands allowed in above terms.

(R. M. JOSHI)
Judge

dyb