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

52 CRIMINAL WRIT PETITION NO. 1375 OF 2024

NANDKISHOR LAXMANRAO SOMWANSHI

....Petitioner

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

.....Respondent

Mr. Gajanan G. Ghabud, Advocate for the petitioner

Mrs. A. S. Deshmukh, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 28th JULY, 2025

P. C.

1. Heard.

2. By way of present petition the petitioner has challenged the order dated 14-12-2023 passed by the learned Additional Divisional Commissioner, Chh. Sambhajingar rejecting an application for condonation of delay of about 9 years (7 years 7 months considered by the Commissioner). The application was filed seeking condonation of delay in filing the appeal under section 18 of the Arms Act.

3. It is the case of the petitioner that he was possessing the license for revolver. Same license came to be cancelled by order dated 08-08-2012. He preferred an appeal alongwith application for condonation of delay. Only reason shown for delay is that the applicant is a medical practitioner and thus he is having various responsibilities on his shoulder. He could not approach his advocate for further advise. He approached his advocate in the month of January, 2020. On that he received advise to file an appeal. Since it was a covid period, the petitioner was engaged in emergency services and thus, he could not file an appeal, even after getting the advice.

4. The learned Commissioner considered that the order was passed on 08-08-2012, before that an offence was registered against the petitioner on 11-06-2012. The petitioner filed an application bearing Criminal Application No. 1560/2016 in this court. That application was allowed in terms of compromise and thereafter application is filed. No sufficient reasons are

mentioned and rejected the application.

5. The learned advocate for the petitioner strenuously argued that the learned Commissioner has not decided the appeal on merits. The petitioner being a medical practitioner was busy in serving people. He is in nobal profession. Because of busy schedule, he could not immediately contact his lawyer for advise. When he got the advise, it was a covid period and therefore, again he could not approach the court. He submits that now the complaint filed against the petitioner is also compromised and as on today, no offence is pending against him. This aspect on merits is not considered by the learned Commissioner. Because of social responsibilities, he requires license. He submits that opportunity need to be given to the petitioner to put up his case on merits. He is deprived of his legitimate right of addressing the learned Divisional Commissioner on technical ground. He, thus, prays for allowing the petition.

6. The learned APP opposed the application. She invites attention to the affidavit filed by the Tahasildar working in the office of the learned Collector. It is stated in the affidavit that reasons given are not bonafide. Earlier to cancellation of license same was renewed from time to time. In 2012 offence came to be registered for the offences punishable under Sections 313, 337, 338 read with section 34 of the IPC and section 3 and 5 of the MTP Act and 8(1) 17(2), 18(2) of the PCPNDT Act. It is for this reason the license was cancelled by issuing notice. The petitioner was thus aware of the cancellation of the license and still he did not file an appeal immediately.

7. This court has gone through the application and the affidavit-in-reply. The petitioner is a medical practitioner. He is aware that from time to time the license needs to be renewed. Not even taking the advise from the Lawyer for 7-8 years itself shows that he did not feel it necessary to file an appeal till that time. There was an offence registered against him. It appears that the application in the High Court for quashing was disposed

off. He did not think of taking advise from the Lawyer. In any case, ignorance in the present case cannot be justified when the petitioner happens to be highly educated person. It is beyond comprehension that such a person would not take prompt steps to get the license renewed. This court is not at all convinced by the reasons stated in the application. Even looking to the roznama before the learned Divisional Commissioner, it is seen that the petitioner was not present from 15-02-2023 till 29-11-2023. The learned Divisional Commissioner, therefore, considered the application itself as the argument of the petitioner and fixed the matter for final disposal on 14-12-2023. All these facts shows that the petitioner is not diligent in prosecuting the matter and no sympathy can be shown to such person. Thus, this court finds no merit in the petition. Therefore, the criminal writ petition stands dismissed and disposed off.

[KISHORE C. SANT, J.]