

Shabnoor

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.431 OF 2025

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Mohan Shankar Patil

... Petitioner

V/s.

The State of Maharashtra

Through The Chief Secretary,

Home Department & Anr.

... Respondents

Mr. Niranjan Kandade for petitioner.

Ms. Dhruti Kapadia, AGP for State - respondent.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 3, 2025

P.C.:

1. The petitioner is challenging an order passed by the Appellate Court under the provisions of the Arms Act, 1959, which upheld the cancellation of the petitioner's arms license. The petitioner contends that the cancellation was unjustified and seeks relief from this Court.

2. The Authority under the Arms Act, 1959, on 6 February 2009, granted a license in favor of the petitioner for a 12-bore single-barrel gun manufactured by 'Shaktiman'. However, on 4 April 2009, a First Information Report (FIR) bearing No. 62 of 2009 was registered against the petitioner for offences punishable under Sections 307 and 324 of the Indian Penal Code, 1860 ("IPC") and under Sections 25(2) and 27 of the Arms Act, 1959.

Consequently, respondent No. 2 issued a show-cause notice to the petitioner on 22 July 2010, seeking an explanation as to why the arms license should not be cancelled. The petitioner submitted a reply to the show-cause notice on 28 July 2010. By an order dated 18 April 2011, respondent No. 2 cancelled the petitioner's arms license. Aggrieved by the said order, the petitioner filed an appeal under Section 18 of the Arms Act, 1959, which was dismissed by the Appellate Court through the impugned order, giving rise to the present writ petition.

3. The learned Advocate for the petitioner, relying on the judgment of the Sessions Judge in the Sessions Case, submitted that the petitioner has been acquitted of the offences alleged against him, and therefore, the basis for the cancellation of the license no longer exists. He emphasized that the Sessions Judge acquitted the petitioner on merits after a thorough examination of the evidence. In support of his submission, the learned Advocate placed reliance on the judgment in the case of **Ram Prasad vs. Commissioner and Others, 2020 SCC OnLine All 191**, wherein it was held that the acquittal of an individual in a criminal case, particularly on merits, should be considered a relevant factor in proceedings for the cancellation of an arms license.

4. I have carefully perused the submissions made on behalf of the petitioner, as well as the judgment of the Sessions Judge, which is part of the record. It appears that the Sessions Judge recorded a finding that there is no evidence on record to substantiate the charges levelled against the petitioner. It is pertinent to note that the standard of proof required under

criminal law is that the allegations must be proved beyond a reasonable doubt. In the present case, the Sessions Judge, after evaluating the evidence, concluded that the prosecution failed to meet this standard, resulting in the petitioner's acquittal.

5. Upon a detailed perusal of the judgment, it is evident that the prosecution examined six witnesses in support of its case, including medical witnesses who testified that the victim sustained injuries on the date of the incident, i.e., 9 April 2009. Notably, P.W. - 5, who arrived at the scene of the incident approximately 10 minutes after it occurred, identified the petitioner as the individual involved in the assault. However, the Sessions Judge found that the evidence of P.W. - 5, standing alone, was insufficient to convict the petitioner under criminal law. Nevertheless, for the purpose of cancellation of the arms license, the material produced by the prosecution, including the testimony of P.W. - 5, indicates the petitioner's involvement in the incident that allegedly occurred on 9 April 2009. In light of this, the Appellate Authority was justified in dismissing the petitioner's appeal, as the standard of proof required in administrative proceedings is different from that in criminal proceedings. The Authority was entitled to consider the preponderance of probabilities rather than proof beyond a reasonable doubt. Therefore, no interference with the Appellate Authority's order is warranted.

6. In view of the foregoing discussion, the writ petition stands disposed of in the above terms. No order as to costs.

(AMIT BORKAR, J.)