

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2947 OF 2025

Goldie Sud

...Petitioner

Versus

The Principal Secretary Of Home And Ors

...Respondents

Mr. Mubin Solkar i/b Hemali Kurne for the Petitioner.

Mr. S.V. Gavand, APP for Respondent/State.

**CORAM : RAVINDRA V. GHUGE AND
M.M. SATHAYE, JJ.**

DATE : 10th JUNE, 2025

P.C. :

1. We have considered the submissions of the learned Advocate for the Petitioner and the learned APP on behalf of the Respondent/Authority.

2. After hearing this matter to some extent, the learned Advocate for the Petitioner submitted on instructions from the Petitioner, who is present in the Court, that considering that his licence to carry a firearm has already been cancelled, he would surrender the firearm by 13th June, 2025. It is stated that there has been no threat held out to the Petitioner in the last 3 years and he has not registered any FIR in the said period. He requests for a direction to decide his Appeal within a specific timeline.

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3. We cannot turn a blind eye to the fact that this Court had passed an order on 12.06.2024 in Criminal Writ Petition (St) No. 9822 of 2024, whereby a specific direction was given to the Respondent to decide the Petitioner's application seeking renewal of his firearm (revolver) and also deal with the show cause notice issued to the Petitioner on 20.09.2023, for cancellation of his firearm's licence. This Court directed Respondent No.1 Shri. Mahesh Chimte, DCP, Zone HQ-1, Mumbai to comply with the directions of this Court within 3 months from the date of receipt of the order. However, no such decision was arrived at.

4. This compelled the Petitioner to approach this Court in Criminal Writ Petition (St) No. 21414 of 2024 with an Interim Application (St) No. 7247 of 2025, for seeking directions. The Petitioner had appeared in-person. This Court recorded in its order dated 04.04.2025, that since a statutory Appeal by way of an efficacious remedy before the Home Department is available to the Petitioner, the Petitioner was permitted to withdraw the petition and file the Appeal. It was specifically directed that the Appeal should be decided by the Competent Authority (State Minister of Home) within a period of 8 weeks from the date of its filing.

5. We are informed that the Petitioner tendered his Appeal dated 07.04.2025, on 09.04.2025. The Competent Authority called for a report from Mr. Krishnakant Upadhyay, DCP, Zone HQ-1, Mumbai in order to decide the Appeal within the period of 8 weeks as granted by this Court. The communication to Mr. Upadhyay is dated 25.04.2025. Mr. Upadhyay tendered a report on 30.05.2025, after 35 days, notwithstanding the fact that he was Respondent No.1 in the said petition and was aware of the timeline granted by this Court. We also find that earlier, on 06.05.2024, on instructions of a Senior Clerk from the CP office, Mumbai, the learned APP submitted that the Petitioner's weapon will be returned to him within one week of the Election results. It appears that the show cause notice was pending at the relevant time.

6. From the facts emerging from the record as noted above, we find that Mr. Chimte and Mr. Upadhyay have not shown due diligence in responding quickly to ensure that the orders of this Court are complied with, within the time line prescribed. The learned APP informs us that now the Appeal will be decided within 21 days from today.

7. In view of the above, **this Writ Petition is disposed off** by recording the statement of the Petitioner that the concerned firearm

(revolver) would be surrendered in Andheri Police Station by 12.00 pm (noon) on 13.06.2025. The Competent Authority would decide the pending Appeal by following the due procedure laid down in law, on or before 30.06.2025.

8. We clarify that we would not grant a single day's extension and if we find that this order is not complied with, we would consider initiating proceedings under the Contempt of Courts Act against the concerned authority, including taking recourse to Section 10 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005.

9. Needless to state, the Petitioner would be at liberty to challenge any adverse order, if passed, in accordance with law. In the event, the Appeal is decided favourably and the Authorities are convinced to restore the licence, the weapon would be promptly returned to the Petitioner within 48 hours of the decision.

(M.M. SATHAYE, J.)

(RAVINDRA V. GHUGE, J.)