



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.1922 OF 2021

PETITIONER
(Ori. Appellant)

:- Mrs. Ratnaprabha Ramakant Ghuge,
Aged about 70 years, Occupation:
Agriculture and Ex-Zilla Parishad Member,
Washim, R/o. Pangrabandi, Taluka:
Malegaon, District: Washim, Maharashtra.

..VERSUS..

RESPONDENTS
(Ori. Non-applicant)

:- 1) District Collector, Washim, District,
Washim.

2) The Divisional Commissioner, District
Washim office at Chaman Shah Wali,
Amravati 444602.

Mr.S.D. Dewani, Advocate for Petitioner.
Mr H.S. Dhande, A.G.P. for the Respondents/State.

CORAM : ROHIT W. JOSHI, JJ.

DATE : 06/10/2025

ORAL JUDGMENT :

1. Heard.

2. **Rule.** Rule is made returnable forthwith. Heard finally
with consent of learned counsel for the respective parties.

3. The Arms license of the petitioner was cancelled vide order dated 18.08.2017, purportedly in exercise of powers under Section 17(3)(b) of the Arms Act, 1959. Perusal of the order will demonstrate that the license is cancelled on the ground that an offence vide Crime No.02 of 2012 was registered against the petitioner with Police Station, Malegaon, Dist. Washim. The order also reveals that the petitioner was granted discharge in the said matter vide order dated 25.08.2016 passed by this Court in Criminal Application (APL) No.568 of 2016. It will be pertinent to mention here that the application for grant of discharge was rejected by the learned trial Court against which the said criminal application was filed. The other ground on the basis of which, the order is passed in that Red Corner Notices are issued against the sons of the petitioner. Although the Red Corner Notices are not placed on record, Mrs. Dhande, learned A.G.P. has provided a copy of the same for perusal of this Court. The said notice was issued to the sons of petitioner is in relation to the same Crime No.02 of 2012 in which discharge is granted to the petitioner.

4. The petitioner has preferred an appeal challenging the said order of cancellation of arms license which is also dismissed

vide order dated 13.11.2019 for the same reason that Red Corner Notice was issued against the sons of the petitioner. The learned Advocate for the petitioner has placed reliance on the judgment of Division Bench of this Court in the matter of *Ajay Jayawant Bhosale ..vs.. The Commissioner of Police*, reported in **2016 4 Bom. C.R. (Cri.) 153**, wherein it is held that in the absence of any positive material to infer threat to public peace or safety arms license cannot be ordered to be suspended or cancelled merely on the ground of pending criminal cases. It is held that, arms license cannot be cancelled lightly in an arbitrary manner. Except for Red Corner Notices against the sons of the petitioner in relation to a case in which the petitioner is granted discharge there is no material to infer threat to public peace or safety.

5. The case of the petitioner is squarely covered by the said judgment. In view of the aforesaid, the petition is **allowed** on the following terms :-

- i) The writ petition is **allowed**.

- ii) The order dated 18.08.2017 passed by the District Collector, Washim, and order dated 13.11.2019, passed by the Divisional Commissioner, District Washim, are hereby quashed and set aside.

Rule is made absolute in above terms. No order as to costs.

(ROHIT W. JOSHI, J.)

C.L. Dhakate