



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

CRIMINAL WRIT PETITION NO.470 of 2022

Nikhilesh Arun Divekar Vs. Collector and District Magistrate, Akola and another

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. Anil Mardikar, Senior Advocate assisted by Mr. Saumitra Kanetkar for petitioner/s.
Mr. I.J. Damle, APP for respondent nos.1 and 2.

CORAM : NITIN W. SAMBRE & MRS. VRUSHALI V. JOSHI, JJ.
DATE : JANUARY 08, 2025.

1. Heard Mr. Mardikar, learned Senior Counsel for the petitioner and Mr. Damle, learned APP for the respondent nos.1 and 2.
2. On 18th July, 2022, this Court passed a reasoned order while directing notice, which was waived by the learned APP. The order impugned came to be stayed by this Court on the very same date.
3. The Court granted time on the said date, as the learned APP made a request to that effect.
4. Today, when the matter is called out, learned APP is again seeking time as neither he received instructions nor the request is made by the respondents to the office of the Public Prosecutor seeking adjournment in the matter.
5. That being so, we are of the view that the respondents have decided not to file reply in the matter.
6. We have perused the order impugned dated 24th June, 2022, whereby the Arms license issued in favour of the petitioner way back in 2016 came to be cancelled that too without there being any notice or an

opportunity of hearing to the petitioner. The order speaks of the only reason of the short falls in the matter of granting license is the report of the Superintendent of Police and that of the Sub Divisional Officer.

7. The least that was expected of the District Magistrate while passing the impugned order was to call upon the petitioner to submit either such report and to grant an opportunity of hearing which admittedly appears to be not given to the petitioner.

8. The order impugned is in violation of the principles of natural justice goes contrary to the mandate provided under Article 14 of the Constitution of India. That being so, the order impugned is hereby quashed and set aside.

9. In view of operation of the stay, we direct the license of the petitioner to be renewed by the respondents.

10. If so desired, the respondents can call the report of the District Superintendent of Police so also the Sub Divisional Officer. In case same is adverse to the interest of the petitioner, the respondents may initiate fresh action in accordance with law for cancellation of license.

11. The petition stands allowed in the aforesaid terms.

(MRS.VRUSHALI V. JOSHI, J.) (NITIN W.SAMBRE, J.)