



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

WRIT PETITION NO.6089 OF 2025

Shri Sanjay Bholashankar Gupta Vs. State of Maharashtra and Others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. M.S. Wadodkar, Advocate for the Petitioner.
Mr. H.D. Dube, AGP for the Respondent Nos.1 to 3/State.

CORAM: PRAFULLA S. KHUBALKAR, J.

DATED : 16th DECEMBER, 2025

1. Heard learned counsel for the petitioner and learned AGP for the respondent Nos.1 to 3.
2. By this petition, the petitioner has challenged the orders dated 22.12.2021 passed by the respondent No.3 Collector/ District Magistrate and 17.05.2024 passed by the respondent No.2 Divisional Commissioner, Amravati, thereby rejecting the request of the petitioner for grant of fresh gun license under Section 13 of the Arms Act, 1959.
3. Learned counsel for the petitioner submits that respondent No.3 Collector/ District Magistrate, Akola is the licensing authority under Section 13 of the Arms Act, 1959. The petitioner has submitted his application dated 07.09.2020 to the respondent No.3 Collector/ District Magistrate, Akola for grant of Arms license, by mentioning several reasons stating that the petitioner had threat perception and demonstrating the need for grant of Arms license.
4. On the petitioner's application, the respondent No.3 Collector/District Magistrate, Akola has passed an order

dated 22.12.2021, by which the same was rejected only for the reason that a criminal case was pending against the petitioner vide First Information Report (FIR) No.161/2017 under Section 65(e) of the Maharashtra Prohibition Act, 1949.

5. Feeling aggrieved by this order, the petitioner filed an appeal before the respondent No.2 Divisional Commissioner, Amravati, raising several grounds including the contention that the petitioner was acquitted from the criminal case and there existed no grounds to deny the license.

6. The respondent No.2 Divisional Commissioner, Amravati passed an order dated 17.05.2024 on the petitioner's appeal and had categorically observed that although the petitioner was acquitted from the said criminal case vide judgment and order dated 11.03.2022, however, dismissed the appeal only for the reason that there existed no material to show any prior instance of attack on the petitioner.

7. Learned counsel for the petitioner points out that the primary reason for rejection of the application of arm license, was in-fact considered and it was found that the petitioner became entitled for grant of license of gun, however, on the new ground about absence of the material about prior attack, the impugned order is passed and the appeal came to be dismissed.

8. It is to be seen that in view of the acquittal of the petitioner from the criminal case, the primary reason for rejection of the application for grant of license was in-fact not available. Under such circumstances, it was desirable that for

considering the application viz-a-viz other grounds about the instance of attack, it was appropriate to remit the matter to the respondent No.3 Collector/ District Magistrate, Akola, instead of straightway dismissing the appeal.

9. Having regard to the limited controversy involved in the petition, it is desirable in the interest of justice that the matter is remitted to the Licensing Authority i.e. respondent No.3 Collector/ District Magistrate, Akola, for deciding the application afresh. Hence, the following Order :-

ORDER

- (i) Orders dated 22.12.2021 passed by the respondent No.3 Collector/ District Magistrate and 17.05.2024 passed by the respondent No.2 Divisional Commissioner, Amravati, are hereby quashed and set-aside.
- (ii) The matter is remitted to the respondent No.3 Collector/ District Magistrate, Akola, for deciding the application filed by the petitioner afresh after giving proper opportunity of hearing.

10. In view of the above, the present writ petition is **disposed of** with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)

Privel