

S/L 38
17.04.2026
Court. No. 25
Suwayan

WPA 11260 of 2025

Basudev Chakraborty
Vs.
The State of West Bengal & Ors.

Mr. Rajendra Banerjee
Mr. Joy Chakraborty
Mr. Sandip Dinda
Mr. Souvik Ganguly

...for the petitioner.

Mr. Pantu Deb Roy, Ld. A.G.P.
Mr. Pannalal Bandopadhyay

...for the State.

1. The petitioner has filed the present writ application challenging the order passed by the Commissioner, Presidency Division wherein the arms license issued to the petitioner was revoked. The petitioner submits that the petitioner was the license holder of one gun and one pistol. Due to the West Bengal Panchayat Election and as per the direction of the police authority, the petitioner has deposited the 0.32 pistol no. 00469-22 and 0.12 bore DBBL gun no. 10231 before the Officer-in-Charge, Ashoknagar Police Station being serial no. 50 of 2023 dated June 17, 2023. Thereafter, all of a sudden the Additional District Magistrate had initiated a case against the petitioner and revoked the license of the petitioner. Being aggrieved of the said order, the petitioner has preferred a writ application before this Court but the petitioner has withdrawn the said writ application and preferred an appeal before the appellate authority against the order passed by the Additional District Magistrate, North 24 Parganas dated January 31,

2024. The appellate authority has also rejected the appeal filed by the petitioner and now the petitioner has filed the present writ application.

2. This Court finds that the petitioner has taken the specific plea that the petitioner being the license holder of 0.32 pistol and 0.12 bore DBBL gun and as such the petitioner has purchased 25 numbers of 0.32 bore pistol cartridges. The police has seized the said cartridges and initiated a case against the petitioner for the offence under Sections 27 and 35 of the Arms Act. The petitioner was arrested in the said case by the police and when the bail application was moved, the petitioner had relied upon the said document with regard to the purchase of the ammunition of 25 quantities of 0.32 bore pistol cartridges and considering the said documents, learned Magistrate has granted bail to the petitioner. The specific case of the petitioner that the petitioner was not carrying any unauthorized ammunition. The alleged ammunition seized by the police from the petitioner is purchased by the petitioner as the petitioner was carrying the license of the arms that is 0.32 bore pistol as well as 0.12 bore DBBL gun.
3. This Court finds that though the petitioner has taken the stand before this Court in the present writ application with regard to the purchased of the ammunition from the licensed shop as the petitioner was having the armed license but the petitioner had not placed the documents before the appellate authority. Accordingly, the appellate authority could not consider the plea of the petitioner

whether the seizure made from the petitioner was legal or illegal or whether the petitioner has purchased the said ammunition being the license holder of the gun and pistol.

4. Considering the above, the impugned order of the appellate authority dated January 24, 2025 is set aside and quashed with the liberty to the petitioner to file the addition document i.e. Tax Invoice wherein the petitioner has purchased 25 numbers of 0.32 bore pistol cartridges from Ashoo Tosh Daw and Company on October 10, 2022 vide invoice no. 174 of 2022-23 being the licensee of the gun and pistol within a period of one week from date. The appellate authority is directed to reconsider the appeal filed by the petitioner along with the additional document that is the purchase receipt of 25 numbers of cartridges of 0.32 bore pistol and after giving an opportunity of hearing to the petitioner and to pass a reasoned and speaking order within a period of eight weeks from the filing of the document by the petitioner.
5. WPA 11260 of 2025 is disposed of.
6. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Krishna Rao, J.)