



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1422 OF 2025

**SIDDESHWAR ALIAS SIDDHU MURLIDHAR KEKAN
VERSUS
THE COLLECTOR AND OTHERS**

...
Advocate for Petitioner : Mr. Munde Sambhaji G
APP for Respondents/State : Mr. N.S. Tekale
...

CORAM : MEHROZ K. PATHAN, J.

DATE : 2nd FEBRUARY 2026

PER COURT :

1. Heard the learned Counsel for the Petitioner and the learned APP for the State. By consent of the parties, the petition is heard for final disposal.
2. The basic prayer in the Petition is to hand over the revolver seized from the Petitioner in Crime No.25/2022, registered for the offences punishable under Sections 307, 354, 354-B, 452, 323, 504 read with Section 34 of the Indian Penal Code and under Sections 4 read with 25 of the Indian Arms Act, by setting aside the impugned order.
3. At the outset, the learned APP informs that the application for renewal of the licence filed by the Petitioner is pending consideration before Respondent No.1/Collector, Jalna. The learned APP further informs that the hearing of the matter is scheduled for tomorrow and that Respondent No.1 is likely to take a decision in

due course.

. The learned APP objects to the maintainability of the Writ Petition in view of the alternate remedy of Appeal under Section 454 against the order passed while exercising powers under Section 452 of the Cr.P.C. He further submits that the Petition may be dismissed on the ground of availability of alternate remedy.

4. As against this, the learned Counsel for the Petitioner submits that despite the Petitioner having moved an application in the year 2022 for renewal of the licence, which had expired in the year 2021, the Collector, Jalna has failed to decide the said application. The learned trial Court has refused to exercise powers under Section 452 to hand over the revolver to the present Petitioner and has instead directed confiscation of the weapon solely on the ground that the licence issued in the name of the Petitioner stood expired in the year 2021.

5. I have gone through the impugned order dated 20.08.2025. A perusal of the said order shows that the licence in the name of the Petitioner stood expired on 31.12.2021. The order dated 20.08.2025 is passed exercising powers under Section 452 of Cr.P.C. after the FIR against accused is quashed in exercise of powers under Section 452 of Cr.P.C. The impugned order is an appealable order under Section 454 of the Cr.P.C., and thus an appeal before the learned Sessions Judge ought to have been filed by the Petitioner herein. Taking into consideration the observations of the Court as well as the statement

made by the learned APP, upon instructions, that the application for renewal is pending hearing before the competent authority, i.e., the Collector, Jalna, the present Writ Petition is dismissed with liberty and directions as under. Hence, the following order:

ORDER

(i) The Respondent No.1/Collector, Jalna shall decide the application for renewal filed by the Petitioner within a period of three weeks from today.

(ii) The Petitioner shall be at liberty to challenge the order passed by the Respondent No.1/Collector by taking appropriate steps in accordance with law. The Petitioner shall be at liberty to file an appeal under Section 454 of Cr.P.C. The period spent in filing of the petition and pursuing the proceedings before the Collector, Jalna on the renewal application shall be considered for condoning the delay in filing appeal under Section 454 Cr.P.C., if any by applying Section 14 of the Limitation Act.

(iii) With the above directions, the Writ Petition stands dismissed in view of alternate statutory remedy under Section 454 of Cr.P.C.

(iv) The learned APP shall communicate this order immediately to the Collector, Jalna.

MEHROZ K. PATHAN
JUDGE

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