2026:AHC:212675

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 41046 of 2026

Shailesh Kumar Singh

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Amit Kumar Singh, Ramesh Chandra Pandey
Counsel for Respondent(s)	:	C.S.C.

Court No. - 36

HON'BLE SAURABH SHYAM SHAMSHERY, J.

1. Heard Sri Amit Kumar Singh, learned counsel for petitioner and Sri Prabhakar Tripathi, learned Standing Counsel for State-Respondents.

2. Petitioner’s firearm licence was cancelled by Licensing Authority vide order dated 12.02.2026 and appeal thereof was also dismissed vide order dated 12.05.2025, therefore, present writ petition is filed challenging both these orders.

3. It is not under dispute that petitioner was involved in four criminal cases. In one of the criminal case, he was granted acquittal, whereas other three criminal cases are still pending wherein after submission of charge sheet, charges are also framed, therefore, there is more than a prima facie case against petitioner.

4. In addition to above, a First Information Report under Gangster Act is also lodged against petitioner.

5. Learned counsel for petitioner submits that according to provisions of Arms Act, 1959 only on basis of pendency of criminal cases an arm licence cannot be cancelled as no such ground is mentioned in Arms Act. However, he is not able to deny that in case there is a deemed satisfaction

of Licensing Authority that it was required for security of public peace and public safety, an arm licence can be cancelled.

6. Learned counsel further placed reliance on a judgment passed by a Coordinate Bench of this Court in the case of **Subhash Singh vs. State of U.P. and others, 2025:AHC:157498** that mere pendency of criminal cases and apprehension of misuse of firearm, are not sufficient ground for passing an order of revocation of arms licence. Learned counsel further relying on aforesaid judgment submits that in order to cancel an arm licence it is necessary to show that there was a use of licensed weapon by licensee against security of public peace and public safety.

7. Learned Standing Counsel appearing for State-Respondents, has supported impugned orders that the words used that a licence can be revoked if Licensing Authority deems it necessary for security of public peace and public safety, are sufficient.

8. I have considered aforesaid submissions and perused the material available on record.

9. In order to interpret any provision of any Act, the first attempt would be to read the contents of provision in a manner they are written. Therefore, the words used in Section 17(3)(b) are very relevant and the same are reproduced hereinafter:

“(b) if the licensing authority deems it necessary for the security of the public peace or for public safety to suspend or revoke the licence; or

10. The aforesaid provision provides some important factors. First is “deems it necessary” and second is “for the security of the public peace or for public safety”. Therefore, it does not pre-suppose that there must be

already a positive act which has disturbed public peace and public safety or licensed arm was misused. While interpreting any provision the Court cannot add or delete any word. The interpretation ought to have been in furtherance of contents of any provision.

11. In case a firearm is misused, it would be a violation of conditions of arms licence, which itself would invite cancellation of licence whereas while considering a case of cancellation of licence, the Licensing Authority has to arrive a subjective satisfaction, whether in given set of circumstances on basis of material available it would be deemed necessary or not, therefore, each case has to be considered on fact of that case.

12. A general interpretation cannot be followed in every case and in the present case petitioner is involved in three criminal cases which involve offence of kidnapping, causing hurt, illegal confinement as well as forcing and inducing persons to commit forgery and cheating. Therefore, the Court is of the view that a person, who has an arm licence and involve in sch nature of offences, where after investigation charge sheet is filed and charges are framed, the subjective satisfaction of Licensing Authority that it was deem necessary for security of public peace and public safety, cannot be interfered in writ jurisdiction.

13. The Court also takes note that having an arm licence is a privilege and not a fundamental or constitutional right and in such cases Writ Court should always remain slow to interfere. Therefore, no interference can be caused in impugned orders.

14. However, it is clarified that in case petitioner get acquittal in remaining criminal cases, he can approach the Licensing Authority with a

prayer to restore his arms licence and at that stage the matter will be considered in the light of subsequent events, if any, as well as a judgment passed by this Court in the case of **Indrajeet Singh vs. State of U.P. and others, 2021(10) ADJ 471**.

15. With aforesaid observation, this writ petition is disposed of.

(Saurabh Shyam Shamshery,J.)

October 9, 2026
AK

Digitally signed by :-
AWADESH KUMAR
High Court of Judicature at Allahabad