

Ravinder Vs. Addl.Commissioner of Police (Licensing)

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Court : Delhi

Decided On : Oct-28-2013

Judge : G. S. Sistani

Appellant : Ravinder

Respondent : Addl.Commissioner of Police (Licensing)

Judgement :

\$~8 * IN THE HIGH COURT OF DELHI AT NEW DELHI % Date of Decision: October 28, 2013 + W.P.(CRL) 806/2013 RAVINDER Through: Appellant Mr.J.K. Chawla Ms.Shisba Chawla, Advs versus ADDL.COMMISSIONER OF POLICE (LICENSING)..... Respondent Through: Mr.Rajesh Mahajan, Adv. for State CORAM: HON'BLE MR. JUSTICE G.S.SISTANI G.S.SISTANI, J.

(Oral) In this case the petitioner was granted an Arms licence in the year 1998 bearing No.EDAN/7/1998/9 for 7.62 mm (30 mouser) pistol and .315 bore rifle, which was valid for the area of Delhi and the State of U.P. The licence had been renewed from time to time till it was cancelled /revoked by the respondent vide its order dated 5.9.2011. An appeal filed before the Lieutenant Governor of Delhi was also dismissed on 12.9.2012, which has led to the filing of the present writ petition. Counsel for the petitioner submits that the order of cancellation / revocation was passed pursuant to a show cause notice dated 21.6.2011. As per the show cause notice, the petitioner had approached the office of respondent on 29.1.2010 for renewal (wrongly mentioned as issuance) of the Arms licence, but the petitioner

did not disclose his involvement in a criminal case. Upon checking of records it was found that petitioner was involved in the case FIR no.46/2002 under Sections 448/380/34 IPC at P.S. Ashok Nagar; and also a report was received from the DCP (East District) that the petitioner has a violent behaviour and in view thereof the licence was suspended with immediate effect. Counsel for the petitioner submits that the impugned order was passed without any application of mind as a false FIR was registered at the instance of the tenant of the petitioner, on account of a landlord tenant dispute, and it was not as if the petitioner had trespassed into the property of a third person. Counsel also submits that the landlord tenant dispute was resolved and in fact the petitioner has sold the tenanted portion to the tenant. It is also submitted that this aspect of the matter was not considered by the respondent and the mere fact that this fact was not disclosed was the reason of suspension of the Arms licence, and thereafter revocation. Counsel for the State submits that the suspension and revocation was carried out based on the fact that the petitioner had concealed the material facts and also the conduct of the petitioner. I have heard counsel for the parties and carefully perused the show cause notice dated 21.6.2011, the order of revocation dated 5.9.2011 and the order which had been passed in appeal. While, there is force in the submission of counsel for the State that the petitioner had concealed a material fact while praying for renewal of the licence and in fact the petitioner should have truthfully disclosed the information sought, however, the court, cannot lose track of the fact that the FIR which was lodged against the petitioner was on account of a landlord tenant dispute and the property in which the alleged trespass was made belonged to the petitioner, to which complainant therein was the tenant. Counsel for the petitioner submits that the petitioner should be given one more opportunity to explain the entire matter and also to show that the petitioner has not misused the licence which was granted to him in the year 1998, which is also a material fact which has been over-looked by the Additional Commissioner of Police (Licensing). Having regard to the submissions made and without expressing any opinion on the merits of the matter and in view of the facts of this case, I deem it appropriate to quash the order of revocation dated 5.9.2011, till the matter is re-decided by the respondent, with a direction to the respondent to grant one more opportunity of hearing to the petitioner, to enable the petitioner to place documents on record to

show that the said FIR was lodged by the tenant, matter was duly settled, property was sold to the tenant and also the documents of neighbours and other persons to show his conduct in the colony is satisfactory and he has never been involved in any untoward incident. Competent authority will be at liberty to call fresh report from the residents of the area and a final decision will be taken in the matter within eight weeks from the date of receipt of the order. The present petition stands disposed of, in above terms. OCTOBER28 2013 ssn Crl.A. 806/2013 (G.S.SISTANI)

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