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Ram Murat Vs. State of U.P. and ors.

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Court : Allahabad

Decided On : Feb-04-2002

Reported in : 2002(2)AWC1079

Judge : Anjani Kumar, J.

Acts : Arms Act, 1959 - Sections 17 and 18; Indian Penal Code (IPC) - Sections 307, 323, 504 and 506

Appeal No. : C.M.W.P. No. 4293 of 1999

Appellant : Ram Murat

Respondent : State of U.P. and ors.

Advocate for Def. : S.C.

Advocate for Pet/Ap. : P.P. Srivastava and ;D.V. Singh, Advs.

Disposition : Writ petition allowed

Judgement :

Anjani Kumar, J.

1. By means of the present writ petition under Article 226 of the Constitution of India, the petitioner has challenged the orders dated 5.6.1997 and 1.1.1999, Annexures-4 and 9 to the writ petition, respectively, passed by licensing authority

as well as the appellate authority cancelling the petitioner's fire-arm licence on the ground that the petitioner is involved in criminal case being Case Crime No. 141 of 1996, under Sections 307/323/504/506, I.P.C.. registered at police station Munderwa, district Basti, which is pending before the court below and a charge-sheet, in this connection, has been submitted. With regard to the aforesaid criminal case, during the pendency of the present writ petition, this Court was of the opinion that the order cancelling the licence of the petitioner's fire-arm shall remain stayed. This interim order has been passed by this Court on 5th of February, 1999. It is submitted by learned counsel for the petitioner that the trial of the aforesaid case, referred to above, being Sessions Trial No. 347 of 1999 has resulted into the acquittal of the petitioner from the aforesaid charge vide order dated 29.1.2001 passed by Vlth Additional District Judge, Basti a copy of judgment and order dated 29.1.2001 has been annexed as Annexure-1 to the rejoinder-affidavit.

2. Learned counsel for the petitioner has relied upon a decision of this Court in Lalji v. Commissioner, Kanpur Division, Kanpur, 1999 (4) AWC 2952 ; (1999) 2 JIC 732, in which learned single Judge relying upon the earlier decision of this Court in W.P. No. 878 of 1979, decided on 22.9.1994, Anil Kumar Singh v. District Magistrate, Pratapgarh and others, 1996 (Supp) AWC 46, has held that if the licence of fire-arm is cancelled on the ground of the involvement in criminal case, and once licencee was acquitted, those cases could not furnish material for cancellation of his licence, therefore, on the date on which the Commissioner passed his order, it cannot be said that the cancellation of licence was in the public interest and this fact could not be substantiated by the State.

3. In this view of the matter and also on the facts and circumstances stated above, this writ petition deserves to be allowed and is accordingly allowed. The orders dated 5.6.1997 and 1.1.1999, passed by respondent Nos. 3 and 2, (Annexures-4 and 9 to the writ petition) are hereby quashed. However, parties shall bear their own costs.

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