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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 2213/2026**

DR RUPALI DEBBARAMA BORGOHAINPetitioner

Through: Mr. K.K. Manan, Senior Advocate
with Mr. Aditya Suri, Ms. Udit Bali,
Mr. Rahul, Mr. Watitemjen Jamir, Mr.
Karmanya Singh, Ms. Yakshi Kataria
and Ms. Rishika Ahuja, Advocates.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Shoaib Haider, APP for the State.
Inspector Manju Chahar, P.S.: I.G.I.
Airport.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **25.03.2026**

CRL.M.C. 2213/2026 & CRL.M.A. 9067/2026

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner *inter-alia* impugns cognizance and summoning order dated 30.10.2025 passed by the learned ACJM-01, Patiala House Courts, New Delhi District, New Delhi in case FIR No.204/2024 dated 15.03.2024 registered under section 25 of the Arms Act, 1959 ('Arms Act') at P.S.: I.G.I. Airport, New Delhi.

2. Mr. K.K. Manan, learned senior counsel appearing for the petitioner submits, that the petitioner is an Assistant Professor at the Department



of Law, Gauhati University, Guwahati, Assam; and the allegation against the petitioner in the subject FIR, and subsequently in chargesheet dated 27.09.2025, is that 01 live cartridge was recovered from her handbag at the time of screening when she arrived at the I.G.I. Airport, New Delhi.

3. Mr. Manan submits, that upon filing of the chargesheet, the learned Magistrate has passed the following summoning order:

“I have perused the charge sheet. On the basis of the material on record, I take the cognizance of the offence u/s 25 Arms Act.

Accused be summoned through SHO for 25.03.2026.”

4. Mr. Manan argues however, that a perusal of the chargesheet would show that the sanction dated 13.09.2025 under section 39 of the Arms Act appended to the chargesheet relates to one Ms. Khushi Rani d/o Baljeet Singh, resident of Haryana; and refers to the recovery of two ‘.32’ bore cartridges from the said person.
5. Mr. Manan submits, that the petitioner is neither Ms. Khushi Rani nor is there any allegation that two ‘.32’ bore cartridges were recovered from her baggage.
6. Learned senior counsel submits, that evidently there is no valid sanction in relation to the petitioner’s case. He draws attention to section 39 of the Arms Act, which reads as follows :

39. Previous sanction of the District Magistrate necessary in certain cases.—No prosecution shall be instituted against any person in respect of any offence under Section 3 without the previous sanction of the District Magistrate.



7. Mr. Manan also draws attention to section 45(d) of the Arms Act, which reads as follows :

45. Act not to apply in certain cases.—Nothing in this Act shall apply to—

(a) *****

(b) *****

(c) *****

(d) the acquisition, possession or carrying by a person of minor parts of arms or ammunition which are not intended to be used along with complementary parts acquired or possessed by that or any other person.

8. Mr. Manan argues, that admittedly, even according to the prosecution, the only alleged recovery from the petitioner's handbag is of 01 live cartridge, with no weapon or other firearm in which the cartridge could be used, the Arms Act itself would not apply.
9. Mr. Manan submits, that the petitioner does not own a weapon; and is not aware as to how 01 live cartridge is alleged to have been recovered from her baggage.
10. Issue notice.
11. Mr. Shoaib Haider, learned APP appears for the State on advance copy; accepts notice; and seeks time to file status report.
12. Let status report be filed *positively* before the next date; with copy to the opposing counsel.
13. On a *prima-facie* view of the matter; after hearing arguments and after perusing the record, it is seen that sanction dated 13.09.2025 under section 39 of the Arms Act appended to the chargesheet evidently does not relate to the petitioner or to the allegations in the subject



FIR; and this aspect has been overlooked by the learned Magistrate while passing the impugned summoning order dated 30.10.2025.

14. In view of the above, further proceedings against the petitioner in case FIR No.204/2024 dated 15.03.2024 registered under section 25 of the Arms Act at P.S.: I.G.I Airport, New Delhi *shall remain stayed*, till the next date of hearing before this court.
15. Re-notify on 04th August 2026.

ANUP JAIRAM BHAMBHANI, J

MARCH 25, 2026/ak