



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7589 of 2025

Jagabandhu Panigrahi

....

Petitioner

Mr. P.K. Das, Advocate

-Versus-

State of Odisha & others

....

Opposite Parties

Mr. C.M. Singh, ASC

CORAM:

MR. JUSTICE R.K. PATTANAIK

ORDER

27.03.2025

Order No.

01.

1. Heard Mr. Das, learned counsel for the petitioner and Mr. Singh, learned ASC for the State.

2. Instant writ petition is filed by the petitioner challenging the impugned order dated 25th February, 2025 under Annexure-10 by opposite party No.3, whereby, gun license was suspended on the grounds stated therein.

3. Mr. Das, learned counsel for the petitioner submits that such suspension of license, when renewal of the same to be pending, is wholly unjustified. It is further submitted that during and in course of an inquiry, a report of the I.I.C. concerned as at Annexure-6 was received, whereafter, the gun license was suspended. The contention is that in view of such a report as at Annexure-6, opposite party No.3 could not have suspended the license. Mr. Singh, learned ASC for the State, on the other hand, submits that in view of the criminal antecedent of the petitioner, gun license was suspended, hence, no illegality was committed by opposite party No.3 in that regard. While claiming so, Mr. Singh, learned ASC refers to Section 17 of the Arms Act (hereinafter referred to as 'the



Act'). The further submission is that in order to prevent breach of peace in the locality and public safety, opposite party No.3 suspended the license. According to Mr. Singh, learned ASC, a complaint was filed, subsequently, registered at Tihidi P.S. Case No. 194 and it has led to filing of chargesheet against the petitioner, which has influenced the decision of opposite party No.3 in suspending the gun license issued to him.

4. As per Section 17(3) of the Act, the Licensing Authority has the jurisdiction to suspend the license for such period as it things fit or even revoke such license subject to fulfillment of conditions stipulated therein. Mr. Singh, learned ASC refers to Clause 9(b) of Sub-Section (2) of Section 17 of the Act to contend that license has been suspended for the security of the public peace or safety. As far as the case is concerned, the petitioner stands chargesheeted for offences under Sections 447, 379, 294, 506, 419, 420 and 406 I.P.C. It is not that the petitioner used the licensed gun during and in course of the alleged incident, for which, the complaint was filed and it finally, resulted in submission of the chargesheet, a copy of which is at Annexure-8. In fact, the report as at Annexure-6 does not disclose about any such case pending against the petitioner under the Arms Act or allegation for him having threatened anyone due to the gun possessed by him. Prima facie, no case, as it appears, to have been made out for suspension of license because there has been no conclusion reached at with regard to security of public peace or public safety in view of any such mischief committed by the petitioner. Mere filing of a complaint and chargesheet at the end against the petitioner could not have been a ground to suspend the gun license. The suspension or revocation of any such license shall have to be as per and in accordance with Section 17 of the Act. The Court, considering the submission of Mr. Das, learned counsel for the petitioner, reply and response of Mr. Singh, learned ASC for the



State and reason assigned for suspension of license in juxtaposition to the report i.e. Annexure-6, which is not adverse, is of the humble view that there is a need for the decision of opposite party No.3 to be revisited. The Court reaches at such a conclusion keeping in view the stipulations contained in Section 17 of the Act, which does not include a ground of criminal antecedent for suspension or revocation of license. The provision, such as, security of the public peace or public safety is quite wide enough and it cannot include all and every kind of mischief, especially when, there is no use of any gun by the licensee in course of any such incident, for which a report or complaint is filed. With such conclusion as above, the Court is of the view that the impugned order i.e. Annexure -10 is liable to be set aside with a remand for a fresh consideration by opposite party No.3 vis-à-vis any such suspension of gun license issued in favour of the petitioner.

5. Accordingly, it is ordered.

6. In the result, the writ petition stands allowed. As a necessary corollary, the impugned order as at Annexure-10 of opposite party No.3 is hereby set aside with the matter remitted back for a fresh decision on the suspension of gun license vis-à-vis the petitioner, which shall be followed by an order at the earliest preferably within a period of six weeks from the date of receipt of a copy of this order.

7. In the circumstances, there is no order as to costs.

8. Urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge

Signature Not Verified

Digitally Signed
Signed by: BALARAM BEHERA
Designation: Personal Assistant
Reason: Authentication
Location: OHC, CUTTACK
Date: 28-Mar-2025 19:01:25

