Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2180 OF 2026

Hemant Ankush Balwadkar .. Petitioner

Versus

State of Maharashtra and Anr. .. Respondents

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- Ms. Kalyani Mangave, Advocate for Petitioner.
- Mrs. Mamta S. Srivastava, AGP for Respondent – State.

.....

CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 18, 2026.

JUDGEMENT:

1. Heard Ms. Mangave, learned Advocate for Applicants and Ms. Srivastava, learned AGP for Respondent – State.

2. Petitioner is a citizen of India and permanent resident of Pune. He is a renowned sportsperson and due to his exemplary performance and record in Clay Pigeon Trap Shooting National Championship for men. He is certified as a renowned shooter by the National Rifle Association, India in 2 disciplines. Petitioner has participated in numerous National and International level shooting competitions and achieved/confirmed various awards. His credentials are appended to the petition. There is no dispute or ambiguity about the facts. Presently, Petitioner holds four arms, bearing license no. PNG/69/2014 for his sport. Petitioner desired to up-skill and upgrade his performance, and his rifle shooting for which he desired to possess

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6 other weapons for practice.

3. As per Gazette Notification dated 12.02.2020, issued by the Ministry of Home Affairs, Government of India, Petitioner is eligible to possess maximum 12 weapons/arms (10 in exempted category + 2 for personal use under sub-section 2 of Section 3 of the Arms Act). Petitioner therefore filed application no. 194/2024 before the Respondent no. 2, Commissioner of Police, Pune seeking permission of 6 additional weapons viz. 3 non-prohibited bore revolver/pistols, and 3 rifles for the purpose of his sport in the exempted category.

4. By virtue of the impugned order dated 24.01.2025, the Respondent No. 2 rejected the application on the ground that petitioner sought additional arms for personal use/safety. Been aggrieved, Petitioner immediately filed statutory appeal on 24.02.2025 within the statutory limitation period, before Respondent No. 1, State, along with application seeking urgent hearing since petitioner desired to acquire additional weapons for his practice and preparations for national and international competitions. The appeal is rejected. Petitioner filed present writ petition on 09.02.0206. Hence the present petition is pressed by the Petitioner.

5. Ms. Mangave, learned Advocate appearing for the Petitioner at the outset would submit that as per Schedule 5 of the Arms Rules, 2016 the Statutory Appeal is required to be disposed of within 60 days,

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but it was rejected after almost one year. She would submit that the impugned order dated 22.01.2025 passed by the Commissioner rejecting the Petitioner's application is a non-speaking unreasoned order. She would submit that since the statutory appeal was not disposed of within the statutory time limit, Petitioner filed Contempt Petition in this court against the State, during the pendency of which, the statutory appeal of the Petitioner was rejected vide order dated 14.12.2025, copy of which is appended at Exhibit E, Page No. 57. She would submit that Petitioner's case has been unfairly rejected on the ground of registration of FIR against him under Sections 34, 406, 504 and 506 of IPC, copy of which is appended at Exhibit F, Page 61 wherein no role whatsoever is attributed to the Petitioner. Neither does the FIR state that Petitioner has misused his weapons.

6. She would submit that merely because a criminal case is pending, Petitioner cannot be dis-entitled to the benefit of possessing additional weapons required for his practice purposes relating to his sports career and more so because his existing weapons having become old and obsolete due to wear and tear which affects his shooting accuracy and skill-set. She would submit that the Petition be allowed along-with further directions for endorsement to be done on the arms license by the Respondent No. 2, Commissioner in a time bound manner so as to enable the Petitioner to procure the desired weapons at the earliest for his sport purposes.

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7. ***PER CONTRA,*** Mr. Patil, learned AGP appearing on behalf of the Respondents would oppose the Petition and draw my attention to Affidavit-in-Reply dated 21.10.2026, copy of which is appended at page No.70 of the Petition.

8. Respondent No.2 in her Affidavit-in-Reply has stated that the Petitioner is charged with offenses under the Indian Penal Code, 1860. She submitted that upon perusal of the material on record, the Petitioner did not sufficiently justify the grant of permission for additional firearms over and above firearms already permitted, and that the denial of the request was not arbitrary. She has come to this conclusion after considering the relevant Police Report and the above-mentioned criminal case, which is pending.

9. Reliance is placed by Ms. Mangave on the decision of this Court in the case of ***Ajay Jayawant Bhosale Vs. Commissioner of Police, Pune City and Ors*** in support of Petitioner's case. Paragraph Nos. 13 to 15 of the said judgment are read and are relevant which are reproduced hereinbelow for ease of reference :-

> ***"13.*** *The right to life and liberty are guaranteed under Article 21 of the Constitution of India. Arms licence is granted for personal safety and security after due enquiry by the authorities in accordance with provisions contained in the Arms Act, 1959. The provisions of Arms Act with regard to suspension or cancellation of Arms licence cannot be invoked lightly in an arbitrary manner. The provisions of the Arms Act particularly Section 13 to 17 indicate that once a licence is granted under the Act, the same shall be renewed from time to time unless there exist a ground of refusal as enumerated under Section 14 of the Act. Protection to life, property of citizen is responsibility*

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of the State. It is only when person apprehends that machinery of State would not come to his help for protection, he/she applies for licence under the Act. The provisions of Section 17A of the Arms Act indicate that arms licence can be cancelled or suspended if the licensing authority finds it necessary for the security of public peace or public safety. Merely because a criminal case is pending, the provisions of Section 17 of the Arms Act would not be attracted. Such provisions would be attracted in case the licensing authority finds that continuance of licence is detrimental to public peace or public security and safety. But the authority concerned will have to record a finding that how and under what circumstances and in what manner possession of arms licence could be contrary to the provisions of Section 17B of the Arms Act. Each case is required to be considered on its own merits.

14. *Nothing was placed before us by the respondents to indicate that the petitioner had misused the licenced weapon at any point of time in past. The order of revocation of license refers to two criminal cases registered against the petitioner. In the facts we find that mere registration of criminal case/cases could not be a ground to revoke the license. The order shall indicate clearly that continuance of licence would be against public peace, safety and security.*

15. *Learned Counsel appearing for petitioner submits that in fact petitioner and his driver were attacked in the year 2009 regarding which he had filed a complaint. Considering the business activities, political and social work of the petitioner, it was submitted that to protect petitioner's life and property, arms licence was applied for and it was granted. The petitioner still requires the same. The licensing authority has not given any opinion as to whether the petitioner requires licence to protect his life and property. The subjective satisfaction of the authority, therefore, plays a vital role while assessing merits of a case before passing orders under the provisions of Section 13, 14 or 17(b). Each case needs to be assessed, tested on its own merits. Therefore, it is imperative that before arriving at a conclusion of invoking powers under the provisions of Section 17(b), the licensing authority ought to have considered the entire material, threat perception of the licencee and pass appropriate orders."*

10. In response to the Petitioner's contention that the Gazette Notification dated 12.02.2020 permitted him to hold additional firearms, the Respondent states it does not create an automatic or absolute right in favor of the Petitioner. She also states that the

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Petitioner's contention that only one offense is registered against him attempts to imply that having a single offense is inconsequential, which is not the case as the offenses are of grievous nature, which cannot be overlooked. Citing these reasons, the Respondent No. 2 has invoked Sections 13 and 14 of the Arms Act to decide the Petitioner's Application. Hence she would submit that the Petition be rejected.

11. I have heard the submissions made by the learned Advocates and perused the records of the case. At the outset it is seen that the first impugned order dated 24.01.2025 is an unreasoned non-speaking order passed without application of mind altogether. I am of the opinion that no purpose will be served in remanding the matter back since it will lead to further delay specially when substantial time has been lost which is *prima facie* seen from the record of the case.

12. It is seen that Petitioner is a renowned sportsman and his requisition is for acquiring the arms for his day to day practice to upgrade his skill and performance since he participates in national and international competitions. Petitioner is 38 years old and has a substantial future in the chosen sport of shooting where he has excelled at the highest stage. Petitioner's application is within the parameters and purview of the Gazette Notification dated 12.02.2020 issued by Ministry of Home Affairs, Government of India. It is seen that it is not Respondent's case that Petitioner has misused his arms already

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possessed by him so as to reject his Application. From the record, it emanates that Petitioner's four subsisting arms have become old and obsolete, he requires to upgrade himself with new modern technology and sophisticated arms to enhance his skill set so as to achieve the highest standards in national and international competitions. It is seen that Petitioner's subsisting arms are in use by him for the past several years and he requires additional weapons/arms purely for sporting purposes. Respondents have not placed on record any incriminating material of misuse of the arms possessed by Petitioner under the license presently possessed by him neither there is any threat to public safety and public security.

13. It is seen that rejection of permission in such circumstances is therefore highly arbitrary, high handed and a curb on Petitioner's fundamental right of denying him participation in the sport of his choice in which he has been recognized as a renowned sportsperson. Insofar as the objection and reason for rejecting Petitioner's application is concerned *qua* the pending criminal case, it is seen that no role is attributed to Petitioner in the FIR neither there is any incidence of violence mentioned in the FIR. Further, invocation of Section 17 of the Arms Act cannot be attracted against Petitioner due to pendency of the aforesaid criminal case. Petitioner has already lost substantial, rather humongous amount of time in prosecuting the present Petition and proceedings. Persons like Petitioner are required to practice their skill

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set virtually on a daily basis in order to compete and participate at the highest level. Despite being eligible, Petitioner is forced to continue his practice with his old weapons/arms due to the regressive mindset of the prosecution in rejecting his application on completely untenable and innocuous grounds which cannot be allowed and countenanced by this Court.

14. On overall consideration of the Petitioner's case and observations and findings, Petition deserves to be allowed and both the twin impugned orders dated 18.12.2025 and 24.01.2025 passed by Respondent Nos. 1 and 2 are required to be quashed and set aside. Petition stands allowed in terms of prayer clauses 'b' and 'c' of the Petition. Hence, Petitioner's Application dated 19.01.2024 filed for acquiring 6 additional arms for sporting purposes as per his specifications falling within the exempted category is allowed by this Court.

15. In that view of the matter, Additional Commissioner of Police, Pune is directed to endorse the 6 additional arms on Petitioner's license within a period of 7 days from receipt of Petitioner's Application for endorsement of additional weapons which is the prescribed period in Schedule V of the Arms Rules, 2016. Under no circumstances concerned Additional Commissioner, Pune or concerned competent authority for endorsement shall delay endorsement once

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the license is submitted with all necessary details for endorsement and along with a copy of this order downloaded from the official website of the Bombay High Court.

16. Writ Petition is allowed and disposed in the present terms.

[MILIND N. JADHAV, J.]

Ajay

AJAY TRAMBAK UGALMUGALE

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