



2026:AHC:156590

Reserved : 24/07/2026
Delivered : 29/07/2026

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 36216 of 2022

Akhilesh Kumar

.....Petitioner(s)

Versus

State of U.P. and 2 others

.....Respondent(s)

Counsel for Petitioner(s)	: Lavlesh Kumar Shukla
Counsel for Respondent(s)	: C.S.C.

Court No. - 36

HON'BLE SAURABH SHYAM SHAMSHERY, J.

1. It is well settled position of law that an arms license can be revoked under the provisions of Section 17 of Arms Act, 1959, if any of conditions of license was contravened.

2. Conditions applicable to all types of arms licensee are specifically mentioned in Rule 112 of Arms Rules, 2016. Further additional conditions are also provided under Schedule III (Form III) of Arms Rules, 2016. For reference, sub-rule 2 of Rule 112 being relevant for adjudication of present case is quoted below :-

“**Rule 112** : (2) The authority granting or renewing the licence has the right to enquire at any time during the currency of the licence, whether the arms or ammunition for which it has been granted, is still in the possession of the licensee, and may require the production of the arms or ammunition for the purpose of such an enquiry.”

3. Further, Additional Condition No. 5 also being relevant for present adjudication of case is also quoted below :-

“(5) The licensee shall not purchase ammunition of any kind in excess of the maximum prescribed both for the amount purchasable in a year and for the amount that may be possessed at any one time as laid down in rule 23. If, however, a licensee exhausts the total quantity of ammunition purchasable in a year earlier than the close of the year, he may for good and sufficient reasons be given a temporary increase in the total quantity purchasable at the discretion of the licensing authority:

Provided that a licensee may be permitted, to purchase ammunition from any authorised arms and ammunition dealer of a neighbouring State, by the concerned licensing authority for any reasons deemed appropriate by it and endorsement to this effect shall be made on the licence by such licensing authority.”

4. Further, Rule 23 of Arms Rules, 2016 (wrongly mentioned as Rule 32 in impugned orders) being relevant for adjudication of this case is also quoted below :-

“23. Restriction on the quantity of ammunition used in breech loading firearms.

(1) For the purposes of the Act and these rules, quantity of ammunition for the licences granted in Form II, Form III or Form IV for breech loading firearms shall be restricted as under, namely:-

Maximum purchasable during a calendar year (per firearm)	200
Maximum to be possessed at any given time (per firearm)	100

(2)(a) Notwithstanding anything contained in sub-rule (1), the State Government concerned may allow a higher quantity of ammunition in exceptional cases on merits and on the basis of good and sufficient reasons to be recorded in writing.

(b) The Central Government in the Ministry of Home Affairs may allow a higher quantity of ammunition in exceptional cases by issuance of a general or special order in this regard.”

5. In present case, an arms license was issued in favour of petitioner way back in 2000. An inspection was conducted on 06.09.2019 and details of ammunition (used and unused) was sought. It was disclosed by the petitioner that he has purchased in all 857 cartridges, however, he was able to produce only 57 live cartridges and 33 empty cartridges. So far as remaining 757 cartridges are concerned, according to petitioner, it was used in training, marriage, chhat puja and durga puja.

6. The Licensing Authority considered aforesaid inspection report during proceedings also, petitioner has failed to produce remaining 757 cartridges and specific details thereof as how they were used, therefore, it was considered that it was violation of Rule 23 (wrongly mentioned as Rule 32) and violation of Section 17(3)(d), hence, arms license was cancelled. The appeal thereof was also dismissed on similar grounds.

7. Aforesaid orders are challenged in this writ petition.

8. Sri Lavlesh Kumar Shukla, learned counsel for petitioner has submitted that there was no mandatory requirement to preserve used cartridges or to maintain details thereof. Notification of year 2018 was not applicable when the petitioner was granted arms license, therefore, he has not maintained the details.

9. Per contra, Sri Prabhakar Tripathi, learned Standing Counsel has supported impugned orders.

10. An arms license being privilege is only issue when petitioner undertakes that strict conditions of license shall be complied with. Conditions were already part of arms license issued in the year 2000 and said conditions were further crystalised when Arms Rules, 2016 were introduced.

11. As referred above, the quantity of ammunition per year is fixed. A licensee is not permitted to misuse arms license. It was duty of petitioner/license holder to keep record of ammunition purchased and if it was used, details of numbers and purpose thereof. The petitioner is not

allowed to use licensed firearm for purpose of joy firing as in the present case licensed firearm was misused in marriage and religious festivals, therefore, not only the petitioner has failed to submit details of ammunition purchase as well as how number of cartridges was used and purpose of using it.

12. Deficiency of 757 cartridges is a huge number and if such large number of ammunition was used in marriage and festivals for joy firing, it would be sufficient for Licensing Authority to hold that conditions of arms license were violated.

13. In aforesaid circumstances, when petitioner has misused his licensed firearm and has not able to disclose purpose of using 757 cartridges and if it was used, as stated during marriage and religious festival, this Court does not find any reason to interfere with impugned orders.

14. Accordingly, writ petition lacks merit, hence, **dismissed**.

(SAURABH SHYAM SHAMSHERY, J.)

July 29th, 2026
<Nirmal>