

WA-362-2017

(Ajeet Singh Anand alias Mange Sardar Vs State of M.P. And others)

18.04.2017

Appellant Ajeet Singh @ Mange Sardar is present in person.

Shri Ravish Agrawal, Advocate General with Shri Swapnil Ganguly and Shri Amit Seth, Govt. Advocates for the respondents/State.

The appellant is challenging an order passed by the learned Single Bench on 15th March, 2017 whereby a writ petition filed by the appellant to register a case for an offence under the Arms Act, 1956 against respondent no. 6 and 7 who have presented an ornamental sword to respondent no.5 on the occasion of his visit to *Hamidia Gurudwara*, Bhopal on the occasion of 350th Birth Anniversary of *Guru Gobind Singhji*, the 10th Guru of *Sikhs*, remained unsuccessful.

The appellant contends that the presentation of such sword violates the Notification dated 22nd November, 1974, issued by the State of M.P. which prohibits the acquisition,

possession or carrying of sharp edged weapons with a blade more than 6 inches long or 2 inches wide and spring actuated knives with a blade of any size in public places only.

The relevant Notification reads as under :-

“Notification No. 6312-6552-II-B (I) dated the 22nd November, 1974 -

Whereas the State Government is of the opinion that having regard to the prevailing conditions in the State of Madhya Pradesh, it is necessary and expedient in the public interest that the acquisition possession and carrying of sharp edged weapons with a blade more than 6 inches long 2 inches wide and spring actuated knives with a blade of any size in public places should also be regulated.

Now, therefore, in exercise of the powers conferred by section 4 of the Arms Act, 1959 (No. 54 of 1959) read with the Government of India, Ministry of Home Affairs, Notification No.G.S.R.1309, dated the 1st October, 1962, the State Government hereby directs that the said section shall apply with effect from the date of publication of this Notification in the “Madhya Pradesh Gazette” to the whole of the State of Madhya Pradesh in respect of acquisition, possession or carrying of sharp edged weapons with a blade more than 6 inches long or

2 inches wide and spring actuated knives with a blade of any size in public places only.”

The learned Single Bench has dismissed the writ petition finding the same as not maintainable in view of the Division Bench judgment in the case of **Shweta Bhadauria vs. State of M.P. (WA No.247/2016 dated 20.12.16)** , but we have examined the larger issue whether the gift of a sword to a dignitary on his visit to a *Gurudwara* will amount to acquisition, possession or carrying of sharp edged weapons coming within the scope of Notification dated 22nd November, 1974.

It is customary in *Gurudwaras* to present *Siropa* to the visiting dignitaries which consist of sometimes a shawl and sometimes a sword which is of ornamental use.

What is prohibited in the Notification dated 22nd November, 1974 is acquisition, possession or carrying of a sharp edged weapon in a public place. The sword was gifted to the Chief Minister when he visited the *Gurudwara* on the occasion of 350th Birth Anniversary of *Guru Gobind*

Singhji, but such sword was not carried in a public place . Carrying of sharp edged weapons with a blade more than 6 inches long or 2 inches wide and spring actuated knives with a blade of any size is prohibited and that too carrying of such blades in public places. *Gurudwara*, though is open to public, is not a public place, it is a private place where there is *Prakash* of *Gurugranth Sahib*.

Still further, the prohibition is in respect of a blade more than 6 inches long or 2 inches wide or it has to be spring actuated knives with a blade of any size. The ceremonial gift given to a visiting dignitary cannot be said to be an offence within the purview of aforesaid Notification as it was not carried in a public place . The present is a case of misguided person who has filed this petition.

The appeal is **dismissed**.

(HEMANT GUPTA)
CHIEF JUSTICE

(ATUL SREEDHARAN)
JUDGE

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