

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11580 of 1997

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Babban Singh son of late Bishwanath Singh, resident of village- Vekas, PS-Bhabua,
District-Kaimur(Bhabua).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner, Patna Division, Patna
3. The Collector, Bhabua(Kaimur)
4. The S.P., Kaimur at Bhabua
5. The Officer Incharge, Bhabua, PS-Bhabua

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s : Mr. (GP8)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 12-02-2015

Shivji Pandey,J

No one appears on behalf of the petitioner. The
counsel for the State is present.

In this case, the petitioner is challenging the order of
Collector dated 1st August 1996 passed in Arms Case No. 61 of 1993-
94 which was later on affirmed by the Commissioner in Appeal Case
No. 87 of 1997.

Short fact of this case is that Bhabua P.S. Case No.
169 of 1993 was registered under sections 323, 341, 324, 307/34 of
the Indian Penal Code and Section 27 of the Arms Act against Uday
Pratap Singh son of Baban Singh (petitioner) where allegation has
been made against him that he had given the gun to his son on fateful
day who opened fire caused injuries to the informant, namely, Ravi

Prakash Singh, he filed the case for cancellation of licence and impounding double barrel gun of the petitioner.

The Collector examined the contents of aforesaid police case where it has been alleged that the petitioner used to give his licensee double barrel gun to his son who used to create reign of terror by threatening the persons of locality, specially to the member of weaker section of the society and so much so, son of the petitioner opened fired and caused injury to the informant.

The Collector accepted the plea and cancelled the Arms Licence No. 9 of 1983 of Rohtas and vide Double Barrel Gun No. 28639 manufactured by Indian Ordnance Factory.

The appeal was filed and the Divisional Commissioner considered the submission of the petitioner and affirmed the order passed by the Collector. There is no information to the Court about outcome of the police case vide Bhabua Case No. 169 of 1993 but the Collector and the Commissioner examined the materials available on record i.e. case diary and found that the son of the petitioner was involved in resorting the firing which violated condition mentioned in licence.

This Court does not find any error in the order. However, the criminal court must try to dispose of Bhabua Case No 169 of 1993 expeditiously. If the order is passed in favour of the

petitioner, he will have liberty to approach the Collector for restoration of his licence.

With the above observation/direction, this petition is disposed of.

(Shivaji Pandey, J)

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