

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7241 of 1997

=====

Hari Narayan Rai son of late Bhagirathi Rai, resident of village –Turki, PS-Kudra,
District-Kaimur (Bhabua).

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Patna Division, Patna
3. District Magistrate-cum-Collector, Kaimur (Bhabua) Respondent/s

=====

Appearance :

For the Petitioner/s :

For the Respondent/s :

Mr. Syed Arshad Alam, SC-3

Mr. F.A. Ahmad, AC to SC-3

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 11-02-2015

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

As the matter is very old, the present application is being
disposed of on the assistance given by the counsel for the State.

In the present case, the petitioner is challenging the order
dated 19th February 1996 passed by the District Magistrate-cum-
Collector, Kaimur (Bhabua) in Arms Case No. 57/95-96. Further
prayer has been made to set aside the order dated 13th May 1997
passed by the Commissioner, Patna Division in Arms Appeal No. 41
of 1996.

It appears from the record that a criminal case, vide
Kudra P.S. Case No. 62 of 1995 for offences under sections 341/323/
307/34 of the Indian Penal Code as well as Section 27 of the Arms



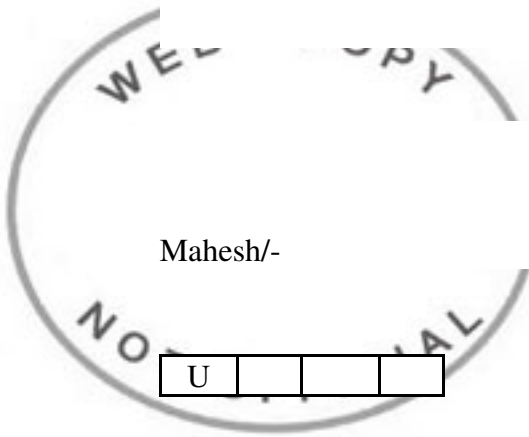
Act, was instituted against the petitioner and his son. Allegation has been made that the informant was plying his tractor, was surrounded by the petitioner and other accused persons prohibited to cultivate the land. Allegation of resorting the fire has been made and so much so, it has been alleged that the accused persons had also assaulted the informant with fists and slaps. On the basis of this case, cancellation of licence of gun of the petitioner was instituted as Arms Case No. 57 /95-96.

The Collector in the order aforesaid mentioned the story recorded a finding that in the presence of petitioner, licensee gun of the petitioner was utilised by his son and on that score alone, the licence of gun of the petitioner was cancelled.

The petitioner also filed unsuccessful appeal vide Arms Appeal No. 41/1996 before the Commissioner as did not find any merit in the appeal. The ground that has been assigned by the Collector cannot be said to be wrong application of mind as terms of licence, other than the licensee, cannot use the arms threatening and intending to commit the physical harm to the public. The ground that has been assigned in germane for cancellation of licence of gun of the petitioner cannot be said to be wrong.

This Court does not find any error in the orders passed by the Collector and the Commissioner.

Accordingly, this petition is dismissed.



(Shivaji Pandey, J)