

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16026 of 2012

Pradeep Kumar Joshi S/O Late Kishorilal Joshi R/O Mohalla- Dhantolia Pani
Tanki, P.S.- Dehari, District- Rohtas At Sasaram

.... Petitioner

Versus

1. The State Of Bihar
 2. The Commissioner, Patna Division, Patna
 3. The Collector-Cum-District Magistrate, Sasaram
 4. The Superintendent Of Police, Sasaram
 5. The Sub-Divisional Police Officer, Dehari, District- Rohtas
 6. The Then Officer-In-Charge, Police Station Dehari, District- Rohtas (Sasaram)
- Respondents

Appearance :

For the Petitioner : Mr. LAL BAHADUR PANDEY, Advocate

For the State : Mr. S.S. Sinha, AC to GA 13

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 28-09-2015

I have heard learned counsel for the petitioner and the State.

The petitioner is aggrieved by the order dated 21.08.2006 passed by the District Magistrate-cum-Licensing Officer, Sasaram at Rohtas as well as the appellate order dated 11.01.2012 passed by the Commissioner, Patna Division, in Arms Appeal Case No. 254/06 by which his licence for N.P. bore rifle bearing no. 6/2004 has been cancelled and the appellate authority has also dismissed the appeal.

It is contended on behalf of the petitioner that there was alleged involvement of the petitioner in Dehri Police Station Case No. 7/2006 under sections 144/188/353/504 of the Indian Penal Code and section 30 of the Arms Act as the allegation against him was that he had violated the prohibitory order and assembled with



his supporters and fired from his licensed rifle. However, it is contended that in the said case he has been acquitted of the criminal charges which would be apparent from the judgment passed by the Ad hoc Additional District & Sessions Judge, Rohtas at Sasaram in Criminal Appeal No. 56/2009 contained in Annexure 3 to the supplementary affidavit. It is further contended that in another case also, in which he was sent up for trial under various sections of the Indian Penal Code and also under section 27 Arms Act, he has been acquitted of the charge as per the averment made in paragraph 3 of the supplementary affidavit filed on behalf of the petitioner. Learned counsel submits that in the other case there was no allegation against the petitioner under the Arms Act and from perusal of the order of the cancellation of the licence it does not appear that pendency of those were the grounds upon which the licensing authority had formed its opinion that the petitioner's conduct may be detrimental to public peace and tranquility. It is also urged that nine years have passed from the date of passing of the order by the licensing authority.

Having regard to the subsequent development, this writ application is being disposed of with a direction to the petitioner to approach the District Magistrate-cum-Licensing Authority, Rohtas at Sasaram with a fresh request for recall of the order of cancellation

of his licence. If such a request is made by the petitioner then let the District Magistrate-cum-Licensing Authority concerned take a fresh decision in this regard in accordance with law but without being prejudiced by the earlier order passed by him or the appellate authority as the petitioner now claims to have been acquitted from the charges. It is expected that the aforesaid decision would be taken by the District Magistrate-cum-Licensing Authority concerned within a period of two months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

SC/-

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