

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4262 of 2014

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Mukund Mantri @ Mukund Kumar Mantri Son Of Late Balchand Mantri Resident
Of Loharpatti Road, Kishanganj, P.S. + District - Kishanganj

.... Petitioner

Versus

1. The State Of Bihar Through The Divisional Commissioner, Purnea Division, Purnea
2. The Divisional Commissioner, Purnea Division, Purnea
3. The District Magistrate, Kishanganj
4. The Arms Magistrate, Kishanganj
5. The Superintendent Of Police Kishanganj
6. The Station House Officer, Kishanganj Police Station , District - Kishanganj

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajesh Kr. Singh,
Mr. Ranvijay Narain Singh,
Mr. Rana Pratap Singh, Advocates
For the State : Mr. P. K. Verma, A.C. to S.C. 26

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 01-12-2015

Heard learned counsel for the petitioner and the State.

Petitioner is aggrieved by the order dated 26.02.2013

(Annexure 3) passed by the District Magistrate-cum-Licensing Authority, Kishanganj by which his licence granted for N.P. Bore pistol has been cancelled. He also challenges the order dated 19.09.2013 (Annexure 4) passed by the Commissioner, Purnea by which he has upheld the order passed by the Licensing Authority and has dismissed the appeal.

It is submitted that after issuance of show cause notice,



the petitioner had approached the respondents by filing his reply dated 22.01.2013 which has been appended as Annexure 1 stating that he has been granted licence for the entire State of Bihar but for the purpose of business he frequently visits outside the State, but he cannot carry his weapon with him and, since he had remained outside, by mistake he could not get the licence renewed. He has offered for renewal of licence with late fee.

Learned counsel has brought attention of this Court towards Rule 57 of the Arms Rules, 1962, specially sub-Section (2) which lays down that where a licensee submits his application for renewal of his licence after the expiry of the period for which the licence was granted, the licensing authority may, if he decides to renew the license at his discretion, levy full fee for initial grant of the license and, if he is satisfied that the delay is not justifiable, or excusable nor serious enough to warrant revocation of the licence or prosecution of the licensee then late fee not exceeding the amount of the license fee would be charged. However, it does not appear that every aspect of the matter has been considered by the Licensing Authority while passing the impugned order. Admittedly, the petitioner's licence was valid till 31.03.2010, however, he did not submit his renewal fee for the year 2011-13. Though a show cause notice was issued and he had filed his reply vide Annexure 1 dated

22.01.2013, the Licensing Authority has not been able to come up with a case as to why the petitioner's matter would not fall even in the category in which the renewal could be granted after levy of the late fee etc. as per Rule 57. It has simply been stated that the petitioner's explanation is not satisfactory. He has not recorded any specific reason as to why petitioner's case is such which warrants revocation of the licence. The appellate authority has also not considered this aspect of the matter.

In my view, the orders impugned cannot be sustained in law and, accordingly, both are quashed and set aside. Let the Licensing Authority take a fresh decision in the matter after properly considering petitioner's reply to the show cause notice and the provision contained in Rule 57. It is expected that whole exercise would be completed within a period of two months from the date of receipt/production of a copy of this order.

Accordingly, this writ application is allowed.

Sanjay-II/-

(Dr. Ravi Ranjan, J)

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