

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22497 of 2013

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Rameshwar Singh S/O Sri Kishun Singh @ Chirkut Singh Resident Of Village-
Jhawan, P.S- Bihiya, District- Bhojpur.

.... Petitioner

Versus

1. The State Of Bihar
2. The Commissioner, Patna Division, Patna.
3. The District Magistrate, Bhojpur At Ara.
4. The Officer in- Charge Of Bihiya Police Station- Bhojpur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ashok Kumar Singh, Advocate

For the State : Mr. Kundan Bhadur Singh, S.C. 22

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 09-11-2015

Heard learned counsel for the petitioner and the State.

Petitioner seeks quashing of the order dated 25.06.2009 passed in Cr. Misc. No.960/2005 (Annexure 3) passed by the District Magistrate-cum-Licensing Authority, Bhojpur at Ara by which he has cancelled the arms licence of the petitioner as well as the order dated 26.02.2013/07.03.2013 (Annexure 4) passed by the Commissioner, Division Patna in Arms Appeal No.139/2009 by which he has upheld the decision of the licensing authority and has dismissed the appeal.

Learned counsel submits that his licence has been cancelled on the ground of pendency of two criminal cases against



him, however, subsequently he has been acquitted of the charges by a criminal court of competent jurisdiction. Judgments of both the cases have been brought as Annexures 5 and 5/A to the rejoinder filed on behalf of the petitioner. Both the judgments appear to have been passed in the year 2014 i.e., much after the passing of the order of cancellation. However, this is also a fact that subsequently in both the cases the petitioner has been acquitted of the charges. In this connection, it is noticed that even at the time of conviction the court concerned under Section 17 (7) of the Arms Act, 1959 can suspend or revoke the licence of the convict and in case such conviction is set aside in appeal then there is a provision that such suspension or revocation shall become void.

In above view of the matter, this writ application is being disposed of with a liberty to the petitioner to approach the licensing authority afresh for grant of arms licence. In such case, let a decision be taken by the concerned licensing authority in accordance with law within three months from the date of receipt/production of a copy of this order. While doing so, he would be required to consider the aforesaid observations of this Court as well as the decision of this Court rendered in **C.W.J.C. No.6661 of 2013 disposed of on 15.09.2015 (Lalan Singh Vs. the State of Bihar & Ors.)**. The petitioner claims that for the same offence three first information

reports were lodged. One from the side of the petitioner which was under Section 302 of the Indian Penal Code and one by the police officer concerned of the area as well as one by the private informant. In both the cases, the petitioner has been acquitted of the charges by the competent court vide Annexures 5 and 5/A. This is also made clear that in view of subsequent development the cancellation of the arms licence on earlier occasion would not form a ground for refusal of licence.

(Dr. Ravi Ranjan, J)

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