

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20612 of 2011

Imbesat Shaukat S/O Acharya Shaukat Khalil R/O Moh:-Mansukh Nagar, Ekmi Ghat, P.S.-Bahadurur, District-Darbhangha.

.... Petitioner

Versus

1. The State Of Bihar through the Home Secretary, Bihar, Patna.
2. The Commissioner, Darbhanga Commissionery, Darbhanga.
3. The District Magistrate Cum District Arms Magistrate, Darbhanga.
4. The Senior Superintendent of Police, Darbhanga.
5. Hari Narayan Singh, Officer in Charge, Bahadurpur Police Station, Darbhanga.

.... Respondents

Appearance :

For the Petitioner : Mr. Shailesh Kumar, Advocate
For the State : Mr. Thakur Jai Singh, A.C. to S.C.26

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 17-08-2015

I.A. No.14 of 2012

This application has been filed for amendment in the prayer portion as the petitioner prays for quashing of Memo No.680 dated 09.07.2011 issued under the signature of respondent no.3 by which his License No.525 of 2000 granted for N.P. Bore rifle has been cancelled.

I.A. No.14 of 2012 is allowed. The relief mentioned in paragraph 1(i) and the averment made in the I.A. would form part of this writ application.

C.W.J.C. NO.20612 OF 2011

Petitioner was earlier granted License No.525 of 2000



for N.P. Bore rifle. However, he could not purchase it within the stipulated period. The petitioner thereafter filed two applications before the licensing authority, i.e., the District Magistrate, Darbhanga. By first application, he made a request for grant of license of pistol/revolver and second application by alternative mode he requested for conversion of his license granted for rifle into a license for N.P. Bore revolver. However, vide order dated 13.03.2007, petitioner's license was cancelled. Petitioner filed Appeal No.05 of 2007-08 before the Divisional Commissioner, Darbhanga. The Divisional Commissioner directed the licensing authority to reconsider the case of the petitioner and pass a reasoned order. Thereafter, vide Annexure-12, a decision has again been taken for cancellation of license and vide Annexure-11. Petitioner's request for grant of license for N.P. Bore revolver has also been rejected.

It appears from both the orders that the main reason of rejection is the alleged involvement of the petitioner in Bahadurpur P.S. Case Nos.13 of 2003, 31 of 2010, 140 of 2004 and 145 of 2004. In Annexure-11, it is stated that though the petitioner has able to produce the documents to show that he has been acquitted of the criminal charges from P.S. case No.13 of 2003 and 31 of 2010 but he could not produce any paper with respect to the remaining two police cases. From Annexure-12, it appears that the Senior Superintendent of

Police, Darbhanga has forwarded a report that the aforesaid four cases are pending against the petitioner.

Learned counsel for the petitioner submits that so far the earlier two cases, i.e., P.S. Case Nos.13 of 2003 and 31 of 2010 are concerned, judgment of acquittal has been passed in favour of the petitioner regarding which the District Magistrate himself has stated in the impugned order contained in Annexure-11. So far other two cases are concerned, a supplementary affidavit has been filed appending therewith the final forms submitted by the police exonerating the petitioner and the orders passed by the competent court exonerating him.

It is contended that the Superintendent of Police could not have sent such vague report regarding involvement of the petitioner in four cases though the police itself had submitted final form in the remaining two cases as stated above which stand accepted by the court and regarding two other matters petitioner's submission is that he has admittedly been acquitted of charges.

In above view of the matter, this Court is left with no option than to quash the Annexures 11 and 12 and remit back the matter to the licensing authority, i.e., respondent no.3 for fresh consideration. The petitioner would be required to produce a copy of this order along with the evidence in support of his acquittal or

discharge or the final form submitted exonerating him and accepted by the court of competent jurisdiction. The licensing authority thereafter would take a decision in accordance with law and pass a reasoned order in the matter within a period of two months from the date of receipt/production of a copy of this order along with necessary documents by the petitioner.

(Dr. Ravi Ranjan, J)

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