

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4436 of 2014

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Syed Jawed Mohsin Son Of Syed Mohsin Ali Resident Of 202, Mundeshwari
Apartment Budha Colony, Police Station - Budha Colony, District - Patna

.... Petitioner

Versus

1. The State Of Bihar
2. The Commissioner, Patna Division, Patna
3. The District Magistrate, Patna
4. The District Arms Magistrate, Patna

.... Respondents

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Appearance :

For the Petitioner : M/s Madan Jeet Kumar, Arvind Kumar and
Shailendra Kumar, Advocates

For the State : Mr. Md. Irshad, AC to SC 18

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT
Date: 07-12-2015

Heard learned counsel for the petitioner and the State.

Petitioner is aggrieved by the order dated 12.07.2013
passed by the District Magistrate – cum – licensing authority, Patna,
as contained in Annexure 6 by which his application for grant of
N.P.Bore revolver / pistol has been rejected on the ground that there
is no evidence regarding any specific threat perception upon the
petitioner. The petitioner's application was earlier rejected vide
Annexure 4 dated 24.12.2007 which was put to challenge in Arms

Appeal No. 193/2008. The appeal was allowed vide order dated 28.6.2013. The order of the District Magistrate concerned was quashed and the matter was remitted back to him with a direction to dispose of the matter by speaking order. On earlier occasion also the ground for rejection was lack of threat perception. The same ground has again been taken by the District Magistrate.

In any view of the matter, impugned order cannot be sustained in law. This Court in **C.W.J.C. No. 18535 of 2011 (Manish Kumar Vrs. State of Bihar) and other analogous matters** has already held that lack of specific evidence regarding threat perception does not form a ground for refusal of arms licence as even the apprehension of the same would be enough for consideration.

That apart, the District Magistrate has stated that his earlier order was correct and it does not require any modification without appreciating the fact that his earlier order was already quashed by the appellate authority and, thus, he has relied upon an order which is a nullity.

Accordingly, this writ application succeeds. The impugned order as contained in Annexure 6 is quashed and set aside. The matter is remitted back to the Licensing Authority concerned to take a fresh decision in accordance with law within a period of six

weeks from the date of receipt / production of a copy of this order.

While taking such decision he would be obliged to consider the decision rendered in **Manish Kumar(supra)**.

(Dr. Ravi Ranjan, J)

Spd/-

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