

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15326 of 2013

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Bimal Kishor Singh Son Of Late Chandra Sekhar Singh Resident Of Village -
Khamhar, P.S. Muffasil, District - Begusarai

.... Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, Department Of Home, Government Of Bihar, Patna
3. The Director General Of Police, Bihar
4. The Inspector General Of Police, Bhagalpur Range, Bhagalpur
5. The Divisional Commissioner, Munger Division, Munger
6. The Deputy Inspector General Of Police, Munger
7. The District Magistrate - Cum - Licensing Authority, Begusarai
8. The Superintendent Of Police, Begusarai
9. The Sub - Divisional Magistrate, Begusarai
10. The Deputy Superintendent Of Police, Begusarai
11. The Station House Officer, Muffasil Police Station, Begusarai

.... Respondents

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Appearance :

For the Petitioner : Mr. Manoj kumar singh,
Mr. Brajesh Kumar Pandey, Advocates

For the State : Ms. Mohini Kumari, A.C. to S.C. 2

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 28-09-2015

Petitioner is aggrieved by the order dated 30.07.2012 (Annexure 7) by which his application for grant of N.P. Bore Rifle/Revolver/Pistol/DBBL Gun/SBBL Gun has been rejected. The appellate authority has also rejected the appeal preferred against the aforesaid order on 08.05.2013 vide Annexure 8 stating that petitioner is involved in a criminal case registered under Sections 324, 367/120B of the Indian Penal Code.

From perusal of the impugned order, as contained in



Annexure 7, it appears that order of rejection is against the mandate of sub-Section (3) of Section 14 of the Arms Act, 1959. That apart, the refusal should be made after the subjective satisfaction of the licensing authority itself but only on the basis of report and recommendation of SDO, Sadar BSI and S.P. Begusarai, the same has been rejected without following the reason. So far involvement in criminal case is concerned, of course, the licensing authority has a right to assess the situation and satisfy himself regarding everything before grant of licence but a Full Bench of this Court rendered in **AIR 1987 Pat 122 [Kapildeo Singh vs State Of Bihar And Ors.]** has held that every criminal case does not disentitle a person from getting the licence as the same would range from a paltry offence to the most horrendous capital crime. In fact, the licensing authority has to assess as to whether the involvement in the concerned criminal case is sufficient for refusal of the licence or not but that assessment is not there in the impugned order. Learned counsel for the State has pointed out that the appellate authority has referred the concerned case which has been filed under Sections 324, 367/120B of the Indian Penal Code but subjective satisfaction of the licensing authority is required and not of the appellate authority.

Accordingly, this writ application stands allowed. The impugned orders are quashed and set aside. The matter is remitted

back to the licensing authority for taking a fresh decision in accordance with law within two months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

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