

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9855 of 2015

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Kanhaiya Kumar, son of Sri Ganesh Singh, Resident of Village- Bijulia, P.S.
Samho, District- Begusarai.

.... Petitioner

Versus

1. The State of Bihar.
2. The Divisional Commissioner, Munger.
3. The District Magistrate, Begusarai.
4. The Superintendent of Police, Begusarai.

.... Respondents

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Appearance :

For the Petitioner : Mr. Baxi S. R. P. Sinha, Sr. Advocate,
Mr. Randhir Kumar No-1, Advocate
For the State : Mr. Rakesh Ambastha, A.C. to A.A.G. 15

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 28-09-2015

Heard learned counsel for the petitioner and the State.

Petitioner is aggrieved by the order dated 17.03.2015
(Annexure 17) passed by the District Magistrate, Begusarai in view of
the involvement of the petitioner in Begusarai Mufsil P.S. Case
No.39/2012 registered under Sections 447/341/323/504/34 of the
Indian Penal Code as well as Town P.S. Case No.366/2012 instituted
under Sections 307/387/406/504 of the Indian Penal Code and Section
27 of the Arms Act. Petitioner also challenges the order dated

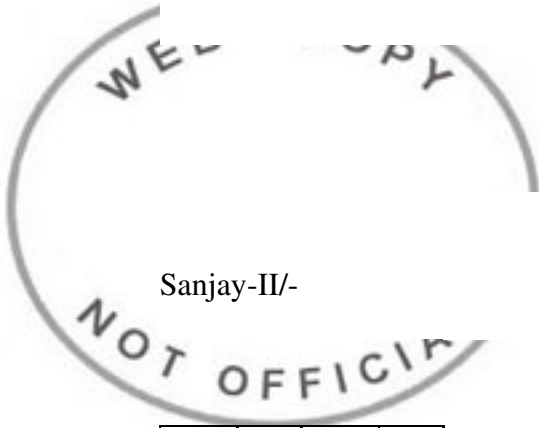
18.04.2015 (Annexure 18) passed by the Divisional Commissioner, Munger in Arms Appeal No.91/2015 by which he has upheld the order of the licensing authority and has dismissed the appeal.

It is contended on behalf of the petitioner that in one of the cases, i.e., Begusarai Mufsil P.S. Case No.39/2012 the matter has been compounded between the parties and, thereafter, the criminal case has been closed. So far Begusarai Town P.S. Case No.366/2012 is concerned, it is contended that a judgment of acquittal has been passed in favour of the petitioner as the prosecution has miserably failed to prove his case by leading evidence. Thus, it is contended that in view of Section 232 of the Cr.P.C. under which judgment of acquittal has been passed, licence cannot stand cancelled.

Be that as it may, since both the developments are subsequent to the order passed by the licensing authority, as such, the impugned orders cannot be faulted with. However, in view of the aforesaid subsequent development, the petitioner would be required to approach the licensing authority once again who would consider the petitioner's application in view of his acquittal in one of the cases and in other case the matter having been compounded between the parties and take a fresh decision as to whether the order of cancellation of licence should be recalled by him or not. It is expected that such exercise would be completed within two months from the date of

receipt/production of a copy of this order.

This disposes of the writ petition.



Sanjay-II/-

(Dr. Ravi Ranjan, J)

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