

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22608 of 2013

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Nand Kishore Singh Son Of Late Doman Singh Resident Of Village - Hetampur,
Police Station - Jagdishpur, District - Bhojpur At Ara

.... Petitioner

Versus

1. The State Of Bihar
2. The Commissioner, Patna Division, Patna
3. The District Magistrate, Bhojpur At Ara
4. The Superintendent Of Police, Bhojpur At Ara
5. The Sub - Divisional Officer, Jagdishpur, Under District - Bhojpur
6. The Sub Divisional Officer, Jagdishpur, Under District - Bhojpur
7. The Officer In Charge, Police Station, Tiyaar, Under District - Bhojpur

.... Respondents

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Appearance :

For the Petitioner : M/s. Ramchandra Singh,
Shankar Kumar, Advocates
For the State : Mr. S.K. Sharma, G.A. 1

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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 is aggrieved by the order dated 18.07.2008
(Annexure 5) passed by the District Magistrate-cum-Licensing
Authority, Bhojpur, Ara by which he has cancelled the licence
no.501/71 of the petitioner for DBBL gun. He also challenges the
order dated 31.12.2011 (Annexure 6) passed in Arms Appeal
No.373/2008 by which the Commissioner, Patna Division has
confirmed the order passed by the District Magistrate and has
dismissed the appeal.

It is contended on behalf of the petitioner that his licence

has been cancelled on the ground that his son, namely, Chunnu Singh was involved in Tiwar P.S. Case No. 27 of 2000 registered under Section 396 of the Indian Penal Code and in that the arms was utilized.

However, it does not appear from the impugned order that as to how the licensing authority has come to the conclusion that firearm of the petitioner was utilized in the occurrence. Petitioner claims that his son was not named in the first information report and his name has appeared upon the confessional statement of the co-accused during the investigation. Though the licensing authority has stated that gun of the petitioner was misused by his son in the said occurrence but it is contended that he has not stated what is the basis of such observation as the petitioner has stated in paragraph no.11 on affidavit that the seized licensee gun of the petitioner was never tested/examined by the competent authority in connection with aforesaid cases to ensure whether it was used or not in the said occurrence. That apart, subsequently, even the petitioner's son has been acquitted of the charges as judgment of the acquittal has been passed vide Annexure 2.

In above view of the matter, in my considered opinion, the orders impugned cannot be sustained in law and both the orders as contained in Annexures 5 and 6 are quashed and set aside. The

matter is remitted back to the licensing authority for fresh consideration of the matter in accordance with law within a period of two months from the date of receipt/production of a copy of this order. While doing so, he will also consider the subsequent event as it is claimed that a judgment of acquittal has already been passed in favour of son of the petitioner.

Accordingly, this writ application stands allowed.

(Dr. Ravi Ranjan, J)

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