

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18676 of 2011

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1. Sri Mohan Shrivastava @ Akhauri Onkar Nath Son Of Sri Akhauri Bhola Nath Shrivastava Resident Of Mohalla - Bairagi, P.S.- Kotwali, District - Gaya

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal , Home Secretary, Govt . Of Bihar, Old Secretariat, Patna
2. The District Magistrate, Gaya
3. The District Arms Magistrate, Gaya
4. The Superintendent Of Police, Gaya
5. The Thanadhyaksha P.S. Delha District - Gaya
6. The Thanadhyaksha P.S. Kotwali, District -Gaya
7. The Arms Sub-Inspector P.S. Kotwali, District - Gaya

.... Respondent/s

with

Civil Writ Jurisdiction Case No.14062 of 2011

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1. Sri Mohan Shrivastava S/O Sri Akhauri Bhola Nath R/O Mohalla- Bairagi, P.S.- Kotwali, Distt.- Gaya

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal, Home Secretary Govt. Of Bihar, Old Secretariat, Patna
2. The District Magistrate, Gaya
3. The Superintendent of Police, Gaya
4. The District Arms Magistrate, Gaya
5. The Thanadhyaksha, P.S.- Kotwali, Distt.- Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Respondent/s : Mr. Ajay Kumar, A.C. to A.A.G.-1

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

6 14-09-2015

In view of the fact that alongwith the counter affidavit filed in C.W.J.C. No. 18676 of 2011, the order of cancellation of licence has been appended as Annexure-D which is also the order under challenge in C.W.J.C. No. 14062 of 2011, in

my considered view, there is no requirement of filing a counter affidavit in C.W.J.C. No. 14062 of 2011 and, as such, the cost of rupees five thousand imposed upon the State vide order dated 07.09.2015 passed in C.W.J.C. No.14062 of 2011 stands recalled.

Initially, the C.W.J.C. No.18676 of 2011 was filed for a direction commanding the respondents to release D.B.B.L. gun and the C.W.J.C. No.14062 of 2011 was filed for renewal of licence of N.P. Bore rifle of the petitioner.

However, a counter affidavit has been filed stating that suspension of licence was already revoked and his firearm was directed to be released. However, the respondent nos. 2 and 3 have filed a counter affidavit in C.W.J.C. No.18676 of 2011 stating that, vide Annexure-D dated 05.04.2014, petitioner's licence has now been cancelled, which he wants to challenge.

A counter affidavit has been filed on behalf of the State in C.W.J.C. No. 18676 of 2011. Both the licences of rifle and D.B.B.L. gun were cancelled vide Annexure-D appended with the counter affidavit filed in C.W.J.C. No. 18676 of 2011. It appears that on the date, i.e., on 05.04.2014 when the Annexure-D was passed, there was valid reason for cancellation of licence in view of the involvement of the petitioner in a case of serious nature. However, the petitioner has filed I.A. No. 6632 of 2015

and I.A. No.6633 of 2015 in both the writ applications to impress upon this Court that he has been acquitted of the criminal charges.

In view of the subsequent development, these writ petitions are being disposed of with a liberty to the petitioner to approach the concerned District Magistrate along with the judgment of acquittal and a copy of this order and make a fresh application for grant of licence in view of the acquittal of the petitioner from the criminal charges. On such application having been filed, let the same be considered in accordance with law by the concerned licensing authority within a period of three months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

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