

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16024 of 2013

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Ajit Kumar Son Of Birendra Kumar Tiwari Resident Of Village- Kadharia, P.S.
Wazirganj, District- Gaya

.... Petitioner

Versus

1. The State Of Bihar
2. The Commissioner, Magadh Division, Gaya
3. The District Magistrate, Gaya
4. The District Arms Magistrate, Gaya Collectorate, Gaya

.... Respondents

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Appearance :

For the Petitioner : M/s Dhirendra Nath Jha, and
Satya Veer, Advocates

For the State : Mr. Amit Kumar Tiwary, AC to AAG 13

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 05-10-2015

Heard learned counsel for the petitioner and the State.

Petitioner seeks quashing of Annexure 6 dated 22.9.2009 passed by the District Magistrate – cum – licensing authority, Gaya by which he has rejected his application for grant of licence for N.P. Bore revolver as well as order dated 6.6.2013 passed by the appellate authority in Arms Appeal No. 115/2011 by which he has upheld the order passed by licensing authority and has rejected the appeal .

The sole ground taken by the petitioner is that the rejection appears to be on the ground of lack of evidence regarding threat perception upon the petitioner.

A counter affidavit has been filed on behalf of the respondents defending the order passed by the licensing authority. It is contended on behalf of the State that, as would appear from the order passed by the licensing authority, there is no positive recommendation of the Superintendent of Police concerned rather the matter has been forwarded.

I do not find any force in the submission raised on behalf of the State. If there was any discrepancy in the recommendation of the police authority then licensing authority should have sought another report from it. However, it has rejected the application of the petitioner on the ground that he has not been able to produce any evidence regarding threat perception upon his life or property which has already been held not to be a ground for rejection under Section 14 of Arms Act, 1959 in C.W.J.C. No. 18535 of 2011 (Manish Kumar Vrs. State of Bihar) and other analogous matters.

Thus, in my considered opinion, the orders impugned cannot be sustained in law and, accordingly, both of them are quashed and set aside. The matter is remitted back to the District Magistrate, Gaya to pass a fresh order in accordance with law within a period of four months from the date of receipt/production of a copy of this order.

If there is any discrepancy in the recommendation by the police authority then a fresh report may be sought by the licensing authority.

Accordingly, this writ application is allowed to the extent as indicated above.

(Dr. Ravi Ranjan, J)

Spd/-

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