

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6189 of 2016

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Deepak Kumar Singh, Son of Late Shailendra Singh, R/o Village Goraipur, P.S.
Awtarnagar, District Saran

.... Petitioners

Versus

1. The State of Bihar
2. The District Magistrate, Saran at Chapra
3. The Divisional Commissioner, Saran Division at Chapra
4. The Superintendent of Police, saran
5. Smt. Sudama Prasad Yadav, Son of name not known to the petitioner the then
Station House Officer, Chapra Mufassil at Chapra

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar Sinha, Advocate

For the Respondent/s : Mr. Sarvesh Kumar Singh, AAG-13

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 19-12-2016

Heard parties.

The petitioner seeks quashing of the order dated 21.03.2013 passed by the District Magistrate, Saran at Chapra in Arms Case No.01/2013 (Annexure-3) by which he did not order for release of original arms licence as well as revolver which was seized by the Station House Officer, Chapra Muffasil, Chapra (respondent no.5).

The case of the petitioner is that though the licence was also seized along with weapon but the Officer-in-charge concerned did not put it in the seizure list. This prompted the petitioner to approach the District Magistrate, Saran at Chapra for release of the licence as well as weapon which has been denied vide Annexure-3. Thereafter, the petitioner approached the Commissioner, Saran



Division in Arms Appeal No.120/13 against the order aforesaid passed by the District Magistrate which was also dismissed vide Annexure-4 dated 10.09.2015 upholding the decision of the District Magistrate.

During the pendency of this writ application, the petitioner filed a supplementary affidavit appending Annexure-5 which shows that there was a communication from the Station House Officer, Muffasil, Bazar Samiti, Chapra, Saran dated 23.04.2010 for verification of the petitioner's licence no.5793 dated 16.04.2000 which was answered by the Additional District Magistrate, Wokha, Nagaland. The bottom of this letter contains a certificate issued by the Additional Deputy Commissioner, Wokha, Nagaland where he has stated as under :

“According to our office records, the licence 5793/WKA belongs to one Mr. Shankar Sharma, son of Late Bipati Sharma. Further, the supposed letter head of the office of the District Magistrate, Wokha is a fake one. For one, the nomenclature is ‘Deputy Commissioner’ and not ‘District Magistrate’. Further, the signature of the Additional District Magistrate is forged”.

From the aforesaid, it appears that the concerned licence is in the name of one Shankar Sharma, son of late Bipati Sharma and not in the name of the petitioner and even there is no designation as Additional District Magistrate, Wokha rather the designation is Deputy Commissioner.



At the strength of Annexure-B, it is contended that Annexure-5 is forged document.

The petitioner has stated in his affidavit that Annexure-5 is true copy of its original but the learned counsel for the petitioner is not in a position to show the original document as it is said that the said document must be in the file of the authority.

During the pendency of this writ application, at the strength of Annexure-3 appended with the counter affidavit, FIR has already been lodged against the petitioner.

In above view of the matter, learned counsel for the petitioner now seeks leave to withdraw this application.

Accordingly, this writ application is dismissed as withdrawn.

However, it is made clear that the investigating authority or the competent court, which would be in seisin of the concerned police case lodged against the petitioner, would proceed in accordance with law without being prejudiced by any findings or observations recorded by this Court in the present order.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	28.03.2017
Transmission Date	N.A.

