

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4631 of 2014

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Achayabat Prasad @ Achaibar Prasad S/O Late Kishun Prasad Resident Of Village
+ P.O. Sarenja, P.S. Rajpur, District Buxar, At Present Residing At Charitraban,
Buxar, Ward No. 9 (New Ward No. 1), P.O. Buxar, P.S. Buxar Town, District
Buxar.

.... Petitioner

Versus

1. The State Of Bihar Through The Divisional Commissioner, Patna Division,
Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The District Magistrate, Buxar.
4. The Superintendent Of Police, Buxar.
5. The Station House Officer, Buxar Town Police Station, District Buxar.

.... Respondents

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Appearance :

For the Petitioner : Mr. BIBHAKAR TIWARY
For the State : Mr. Mohan Kumar Singh, AC to SC 5

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 11-01-2016

Heard learned counsel for the petitioner and the State.

Petitioner is aggrieved by the order dated 18.2.2012
passed by licensing authority, Buxar as well as the order dated
2.7.2013 / 19.9.2013 passed by the appellate authority, i.e., the
Commissioner, Patna Division, Patna as contained in Annexures 7
and 8 respectively by which the petitioner's licence has been
cancelled and appeal filed against the order contained in Annexure 7
has been dismissed.

It is contended on behalf of the petitioner that though it
is admitted position that the petitioner fired from his licenced

weapon which has hit a person on his leg and for that a first information report has been lodged but it is contended that it was done for his self defence and the petitioner has also lodged first information report against those persons and chargesheet has already been submitted in the case.

However, since the case is under Section 307 of the Indian Penal Code and 27 of the Arms Act and it is admitted position that the petitioner has fired which has hit a person and whether he has fired for his self defence and otherwise which is to be considered by the trial court, in my opinion, there was sufficient ground for cancellation of licence of the petitioner. However, in case of acquittal of the petitioner from the criminal charges it would be open for him to move afresh for grant of licence before the licensing authority which would consider the same in accordance with law and without being prejudiced by its earlier order of cancellation of licence.

This disposes of the writ application.

(Dr. Ravi Ranjan, J)

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