

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22135 of 2013

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Shyamal Kumar Son Of Late Ram Sevak Singh Resident Of Mohalla- G/4
Lineman Quarter, Harding Road, P.O. -Gpo, P.S. - Kotwali, Distt Patna At
Present Posted At The Office Of Chief General Manager, Telecom Bihar
Circle (BSNL) Patna.

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Patna
3. The Superintendent of Police, Patna
4. The Officer-In-Charge of Kotwali Police Station, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar alias Sanidh, Advocate

For the Respondent/s : Mr. S.A. Alam, SC-3

Mr. Mahtab Alam, AC to SC-3

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

13 08-03-2016

Heard parties.

Today a supplementary affidavit has been filed stating that the report of the concerned police station, which has formed the basis of passing of the impugned order dated 11.04.2013 as contained in Annexure-1, is missing from the records of the licensing authority. This Court regrets that the aforesaid information was not given at the first instance itself as that could have saved the time of the Court.

Be that as it may, since the report itself is not available on record, in my view, the order, which is based upon such report, would not be sustainable.

Accordingly, the impugned order as contained in Annexure-1 is quashed and set aside. The matter is remitted back to the District Magistrate-cum-Licensing Authority, Patna to take a fresh decision in the matter of the petitioner in accordance with law after seeking necessary report as required under the Arms Act, 1959 and the relevant provisions of the Rules within a period of four months from the date of receipt/production of a copy of this order.

This writ application stands allowed.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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