

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12994 of 2014

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Mritunjay Kumar @ Badey Singh S/o Bhadrayu Singh @ Sukhal Singh
Resident of Village Khaira, P.S. Tekari, District Gaya.

.... Petitioner

Versus

1. The State of Bihar.
2. The Divisional Commissioner, Magadh Division, Gaya.
3. The Collector cum District Magistrate, Gaya.

.... Respondents

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Appearance :

For the Petitioner : Mr. Shivendra Prasad, Advocate
For the State : Mr. Krishna Kumar, A.C. to G.P. 26

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 01-02-2016 Heard learned counsel for the petitioner and the

State.

Petitioner seeks quashing of the appellate order dated 05.12.2013 by which his appeal filed against the order passed by the District Magistrate-cum-licensing authority cancelling his firearm licence, has been dismissed on the ground of being time barred.

It has been stated that appeal has not been filed within time and the ground raised by the petitioner that he did not have knowledge of the order passed by the District Magistrate has been found baseless in view of the fact that the petition for condoning the delay was never filed by him.

In my view, one opportunity should have been given to the petitioner for filing a petition for condoning the delay and such order should have been passed only if the petitioner could not comply the same even after such opportunity given to him as endeavor should always be to do complete justice on consideration of contentious issues in place of dismissing the case on technical ground.

Accordingly, the appellate order as contained in Annexure 1 is quashed. The petitioner is directed to appear and file a petition for condoning the delay within a period of eight weeks along with a copy of this order. In case, such petition is filed, let the same be considered by the licensing authority on its own merit and in accordance with law. Final hearing of the appeal would depend upon the nature of the order which would be passed by the appellate authority on the petition filed by the petitioner for condoning the delay.

This application stands disposed of.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

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