

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No. 24105 of 2013**

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Saroj Kumar Singh Son of Ramdeo Singh Resident Of Village -  
Bhatbagha, P.S. Hilsa, District - Nalanda, At Present Residing At Gpt  
Rahi Campus, P.S. Digha, District – Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Superintendent of Police (City ), Patna
5. The Station Head Officer, Digha Police Station, Patna.

.... .... Respondent/s

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**Appearance :**

For the Petitioner : Mr. Bimal Kumar, Adv.  
: Mr. Birendra Kumar, Adv.  
For the Respondents : Mr. Vivek Prasad, GP-7.

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**CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN**

**ORAL JUDGMENT**

**Date: 21-11-2016**

Heard learned counsel for the petitioner and the State.

Admittedly, the petitioner is involved in two criminal cases lodged on the same day. Petitioner earlier moved before the Chief Judicial Magistrate, Patna for release of his firearm on 08.03.2013 in Digha P.S. Case No. 134 of 2012. It was ordered on 08.03.2013 that in case no letter was written by the Officer-in-charge to the licensing authority for cancellation of licence then, after taking necessary undertaking, the gun should be released in favour of the petitioner. However, the same was not



released even after that order. The petitioner again filed a petition before the Chief Judicial Magistrate, Patna. After such petition having been filed, it appears that the Officer In-charge made application on 24.04.2013 that a Letter, i.e., D.R. No. 564 of 2013 was written to the Licensing Authority-cum-District Magistrate, Patna for initiating a proceeding of cancellation of licence of the petitioner, therefore, the Chief Judicial Magistrate, Patna did not direct release of the firearm. The petitioner has approached this Court for commanding to the authorities to release his firearm.

This Court had directed the respondent authorities to produce a copy of the Letter, i.e., D.R. No. 564 of 2013 since in the original records produced by the State, the said letter written by the Officer In-charge to the District Magistrate was not available. This Court directed the Senior Superintendent of Police, Patna to produce a copy of that letter. But what has been produced appears to be a carbon copy of the said letter. It is intriguing that there is no original copy available in the record of the District Magistrate, Patna. The order of the Chief Judicial Magistrate, Patna dated 07.05.2013 was passed noticing the fact regarding aforesaid letter and in fact nothing was done thereafter for about two and half years. It appears that the District



Magistrate, Patna has written letter to the Superintendent of Police, Patna seeking certain information. A copy thereof was forwarded to the petitioner. Perusal of record does not reveal that any proceeding was initiated upon such Letter No. D.R. No. 564 of 2013, however, on that ground the order dated 07.05.2013 has been passed by the Chief Judicial Magistrate.

Accordingly, I grant liberty to the petitioner to again approach the Chief Judicial Magistrate, Patna for release of firearm upon which order should be passed on its own merit and in accordance with law. I also direct the District Magistrate, Patna to take immediate steps for disposal of the case initiated for cancellation of licence of the petitioner, however, while doing that he will grant another opportunity to the petitioner making out this case and also pass order after noticing the decision of the Full Bench rendered in the case of **Kapildeo Singh Vs. The State of Bihar & Ors. [AIR 1987 Pat 122]** holding that each existing criminal case does not require cancellation of licence because cases can vary from the petty nature of crime up to a horrendous crime.

The District Magistrate, Patna will hold an enquiry on Letter No. DR 564 of 2013 and if the same was never received by its Office then the matter would be sent to the Senior



Superintendent of Police, Patna so that necessary enquiry and action could be taken at his behest or at the behest of the competent authority.

It is expected that the exercise would be concluded within a period of two months from the date of receipt/production of a copy of this order.

Accordingly, this writ petition stands disposed of.

**(Dr. Ravi Ranjan, J.)**

Vikash/-

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| AFR/NAFR          | NAFR       |
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