

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.24786 of 2013

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1. Randhir Kumar, son of Sri Dip Narayan Prasad Yadav,
2. Kumari Nitu Singh, wife of Sri Randhir Kumar,
Both are residents of village and Post Ranipatti, P.S. Kumar Khand, District –
Madhepura.

.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate-Cum-District Arms Magistrate, Madhepura, District -
Madhepura
3. The Incharge Officer (Legal), Madhepura, District - Madhepura
4. The Arms Magistrate, Madhepura, District - Madhepura
5. The Sub-Divisional Officer, Madhepura, District - Madhepura
6. The Sub-Divisional Police Officer, Madhepura, District – Madhepura.
7. The Station Head Officer, Belari Outpost under Kumar Khand Police Station,
District – Madhepura.

.... Respondents

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Appearance :

For the Petitioners : Mr. Shashi Bhushan Kumar Manglam, Advocate
For the Respondents : Md. N. Hoda Khan, SC-1
Mrs. Babita Kumari, AC to SC-1

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 01-08-2016

Heard parties.

The petitioners are aggrieved by issuance of show cause
notice upon them for cancellation of their respective firearms licences.

It is contended that the petitioners' original licences were
lost during their journey, for which an information was given to the
police, and, thereafter, the petitioners approached the licensing
authority for grant of duplicate licence but in place of issuing the
same, the licensing authority has issued show cause notice for

cancellation of their licences. Not only that, it is stated that subsequently their licences have been suspended also.

It is contended on behalf of the State that the petitioner no.1 has been made an accused in a case of murder under Section 302 and other allied Sections of the Indian Penal Code as well as Section 27 of the Arms Act and, as such, show cause notice was issued upon the petitioners for cancellation of the licences. The petitioners claim that reply to the show cause notice has been filed but no final decision has been taken till date.

Accordingly, this writ application is being disposed of with a direction to the District Magistrate-cum-Licensing Authority, Madhepura (respondent no.2) to take a final decision in the matter of the petitioners. Since no final decision has been taken till date, the petitioners would be at liberty to raise other questions also which would be available to them under the law as it is being contended that no case is pending at least against petitioner no.2, i.e., the wife of the petitioner no.1 then why her licence is required to be cancelled. In reply, it has been stated by the learned counsel for the State that there has been no inspection of the firearms of the petitioner nos.1 and 2 since the year 2009, and, as such, her licence is also liable to be cancelled.

Be that as it may, since no final decision has been taken till

date, this Court would refrain form forming any final opinion with respect to that.

It is expected that the entire exercise would be completed by the licensing authority within a period of two months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N/A
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