

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4277 of 2014

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Sukar Paswan S/O Late Tilak Paswan Resident Of Village- Nasirchak, P.S.-
Mohanpur, District- Gaya At Present Residing At Mustafabad, P.S.- Rampur,
District- Gaya

.... Petitioner

Versus

1. The State Of Bihar
2. The Divisional Commissioner, Magadh Division, Gaya
3. The District Magistrate, Gaya
4. The Senior Superintendent Of Police, Gaya
5. The Superintendent Of Police, Gaya
6. The Officer-In-Charge, Rampur Police Station, Dist.- Gaya

.... Respondents

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Appearance :

For the Petitioner : Mr. Bhanu Pratap Singh, Advocate
For the State : Mr. Sandip Singh, AC to G.P. 9

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 04-01-2016

Heard learned counsel for the petitioner and the State.

Petitioner is aggrieved by the order dated 30th September,
2009 passed by the District Magistrate – cum – licensing authority,
Gaya by which his firearms Licence No. 67/1997 granted for
N.P.Bore riffle was cancelled. Petitioner preferred appeal before the
Divisional Commissioner, Gaya, which was also dismissed on
4.3.2010.

Thereafter, the petitioner has filed this writ application after delay of four years assailing the appellate order. There was no proper explanation regarding the same in the writ application, however, by filing a supplementary affidavit the petitioner has tried to explain the things.

Be that as it may, since admittedly at the time of passing of order of cancellation by the licensing authority the petitioner was found to be involved in the cases registered under Section 307 and other serious sections of the Indian Penal Code as well as Section 27 of the Arms Act, in my view the decision of the licensing authority in cancelling the licence cannot be faulted with.

However, since now it is being claimed by the petitioner that judgment of acquittal has been passed in certain cases and other criminal cases has also been dropped, this writ application is being disposed of granting him liberty to file a fresh application for grant of arms licence before a competent authority who shall consider the same in accordance with law taking in account the subsequent events also which have taken place such as acquittal from criminal charges and dropping of other criminal cases. The petitioner would be obliged to produce the documents in support of his claim before the licensing authority.

In such case, let a decision be taken by the licensing

authority within three months from the date of filing of fresh application along with a copy of this order by the petitioner. While doing so licensing authority should also consider the claim of the petitioner that seven persons in his family have been killed by the extremists outfits.

(Dr. Ravi Ranjan, J)

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