

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14570 of 2015

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Ashok Kumar Singh, S/o late Janki Pd. Sinha, Resident of Vats Villa, Kasturba Path, Near Sri Krishna Puri, P.s.- Sri Krishna Puri, District- Patna 800013.

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Muzaffarpur.
2. The District Arms Magistrate, Muzaffarpur.
3. The Arms Magistrate, Muzaffarpur.
4. The Sr. Superintendent of Police, Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner : M/s Manoj Kumar Ambastha and
S. Azeem, Advocate

For the State : Mr. Sudhir Kumar Singh, AC to GA 4

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 08-02-2016

As prayed, petitioner is permitted to implead Sr. Superintendent of Police, Muzaffarpur as respondent no. 4 in this writ application.

Heard learned counsel for the petitioner and the State.

Petitioner seeks quashing of order dated 4.4.2013 (Annexure 6), though by which his licence has been restored but he was given time till 4.7.2013 for acquiring a weapon otherwise his licence was threatened to be cancelled.

It is contended on behalf of petitioner that his father was holding a N.P.Bore pistol under a valid licence but the same was seized in a criminal case in which his brother was made accused. The



aforesaid case has culminated into a judgment of acquittal in Sessions Trial No. 64/87 vide judgment dated 25.4.1994 passed by A.D.J. V, Muzaffarpur. The petitioner has applied for release of weapon in his favour as his father has already wished to transfer the pistol in his name. However, though such application has been filed in the year 2007, no decision has been taken by the Court concerned. Since he is entitled to possess the gun / pistol of his father there is no reason why the petitioner will purchase another pistol. It is also contended that in the aforesaid case, a report was called for from the police by the court concerned but the police has not submitted his report which has eventually been produced before this Court appending it with the supplementary counter affidavit. In such a situation it is contended that petitioner's licence should be renewed.

Per contra learned counsel for the State submits that several opportunities were given to the petitioner but he is still not purchased the gun, therefore, there is no reason for its renewal.

Having regard to the rival contention this Court is of the opinion that unless the petitioner holds a valid licence even the competent court cannot take a decision to handover the seized gun in his favour which belongs to his father. Therefore, even release for such weapon in his favour, a valid licence would be required.

I find force in the submission made on behalf of the

petitioner that if the pistol is already lying in the Civil Court Malkhana then there is no occasion for spending huge money for purchasing another weapon.

Having regard to the facts and circumstances this Court would direct the licensing authority to take a decision regarding renewal of licence of the petitioner in the aforesaid background. That apart this court would also direct the respondent no. 4 to respond to the direction of the A.D.J. V, Muzaffarpur by furnishing the necessary report if the same has already not been done. It is expected that, since the matter is pending there since 2007, the court concerned would also take steps for expeditious disposal of the application bearing Misc. Case No. 1 of 2007 filed by the petitioner by taking a final decision in accordance with law preferably within a period of three months from the date of receipt / production of a copy of this application.

This disposes of the writ application.

(Dr. Ravi Ranjan, J)

Spd/-

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