

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11840 of 2014

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1. Paras Nath Thakur, son of Henkishwar Thakur, resident of Village- Navonamga (Chaki), P.S. Shahpur in the district of Bhojpur at Arrah
2. Paras Nath Thakur, son of Henkishwar Thakur, resident of Village- Navonamga (Chaki), P.S. Shahpur in the district of Bhojpur at Arrah

.... Petitioners

Versus

1. The State of Bihar through Commissioner, Patna Division, Patna
2. The Commissioner, Patna Pramandal, Patna
3. The District Magistrate, Bhojpur at Arrah
4. The Superintendent of Police, Bhojpur at Arrah

.... Respondents

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Appearance :

For the Petitioners : Mr. Prabhu Narayan Sharma, Advocate
For the State : Mr. Md. Harun Quoreshi, AC to SC 18

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 09-05-2016

Heard the parties.

The petitioner seeks quashing of the order dated 11.05.1999 passed by the District Magistrate-cum-Licensing Authority, Bhojpur at Ara, by which his arms licence has been cancelled. The appeal preferred by the petitioner has also been dismissed by the Commissioner, Patna Division, Patna vide order contained in Annexure 1 dated 19.11.2013/30.01.2014.

At the time of hearing, learned counsel appearing on behalf of the petitioner submits that his licence has been cancelled on the ground of his involvement in Shahpur Police Station Case No. 22/1994 registered under sections 147, 148, 149, 427, 379 and 307 of the Indian Penal Code and section 27 of the Arms Act but subsequently he has been acquitted of the

criminal charges vide judgment dated 7th of April, 2016 as contained in Annexure 4 after holding that the prosecution has not been able to prove its case beyond all reasonable doubts, thus, he submits that he may be allowed to file a fresh application for grant of licence in the aforesaid background of the case.

Accordingly, this application stands disposed of with such liberty granted to the petitioner.

It is made clear that if such application is filed along with a copy of the judgment of acquittal of the petitioner then the final decision should be taken by the District Magistrate-cum-Licensing Authority, Bhojpur after consideration of the decision of this Court rendered in **Lalan Singh v. The State of Bihar and others(2016(1) PLJR 198)**. If the District Magistrate-cum-Licensing Authority finds that the judgment of acquittal has been passed with respect to the petitioner then a fresh decision should be taken without being prejudiced by the earlier order passed by him or in appeal.

It is expected that whole exercise would be completed within a period of three months from the date filing of such application by the petitioner.

(Dr. Ravi Ranjan, J)

SC/-

AFR/NAFR	NAFR
CAV DATE	NA
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