

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17521 of 2013

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Archana Devi @ Archana Kumari, Wife of Krishna Murari Yadav Alias Murari
Yadav Resident Of Village- Kataria, Police Station- Munger (Mufassil), District-
Munger

.... Petitioner

Versus

1. The State Of Bihar through the District Magistrate, Munger
2. The Commissioner, Munger Division, Munger
3. The District Magistrate, Munger
4. The Superintendent of Police, Munger
5. The District Arms Magistrate, Munger

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
Mr. Rahul Nath, Advocate

For the Respondent/s : Mr. Gyan Shankar, AC to GP-6

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 09-05-2016

Heard parties.

The petitioner seeks quashing of the order dated 4.04.2012 passed by the District Magistrate-cum-Licensing Authority, Munger so far as it concerns the petitioner, as contained in Annexure-3, by which her arms licence has been cancelled. She also assails the appellate order dated 15.05.2013, as contained in Annexure-4, by which her appeal was rejected by the Divisional Commissioner, Munger after upholding the order passed by the licensing authority.

It is contended on behalf of the petitioner that so far as she is concerned, there is nothing against her but her licence has been

cancelled on the ground that her husband is notorious criminal and is involved in so many criminal cases of serious nature.

A counter affidavit has been filed on behalf of the State. It is contended on behalf of the State that the husband of the petitioner is involved in so many criminal cases which stands described in Annexure-3. It is further contended that in such a background, show cause notices were issued upon the husband and wife both and in view of the pendency of so many criminal cases raising charges upon the husband of the petitioner. It has been stated by the licensing authority that there is possibility of misuse of the firearms of the petitioner also by her husband, namely, Krishna Murari Yadav in view of his criminal antecedents and adverse report given by the police authorities, as a result of which, licence of both husband and wife have been cancelled.

Learned counsel for the petitioner has also submitted that husband of the petitioner is involved in 13 criminal cases, in 11 cases out of which he has been acquitted of the charges. However, he admits that two cases of serious nature are still pending against the husband of the petitioner.

The Full Bench of this Court in ***Kapildeo Singh Vs. State of Bihar and Others (AIR 1987 Patna 122)*** has held that under the scheme of the Arms Act, the discretion of the licensing authority had

deliberately been kept untrammelled by the law makers. If the licensing authority is of the view that there is possibility of misuse of the firearms by the husband this Court does not think that the same requires to be interfered with keeping in mind the long history of criminal cases having been lodged against the husband of the petitioner on serious criminal charges.

Accordingly, this writ application is dismissed.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	NAFR
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