

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53293 of 2013

Arising Out of PS.Case No. -201 Year- 2012 Thana -KASIMBAZAR District- MUNGER

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1. Ranjan Sharma Son Of Patanjali Sharma R/O Village-Kasim Bazar, P.S.-
Kasim Bazar, District-Munger

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Govt. Of Bihar, Patna
2. The Home Secretary, Government Of Bihar, Patna
3. The Director General Of Police, Govt Of Bihar, Patna
4. The District Magistrate, Munger
5. The District Magistrate, Sheikhpura
6. The District Superintendent Of Police, Munger
7. Mr Rajeev Mishra, Name Not Known At Present Assistant
Superintendent Of Police, Munger
8. Mr Anjani Kumar Name Not Known At Present Posted As Inspector Of
Police, S.T.F. Bihar
9. The Officer In Charge, Kasim Bazar Police Station, Munger

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kalyan Shankar &
Mr. Bindhyachal Rai, Advocates

For the Opposite Party/s : Mr. Jharkhandi Upadhyaya, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 21-04-2016 Heard learned counsel for the parties.

This application has been filed seeking quashing of First
Information Report of Kasim Bazar P. S. Case No. 201 of 2012,
registered for the offences punishable under Sections 25 (1B) (a),
26(1), (2) & (3) of the Arms Act.

It appears that during the pendency of this application,
charge-sheet has been submitted and the District Magistrate,
Munger has accorded necessary sanction for prosecution of the

petitioner under the provisions of the Arms Act.

It transpires from the First Information Report that on the basis of a secret information received to the effect that petitioner was going to sell 30.06 bore Semi Automatic rifle, which is a prohibited arms under the Arms Act, a raid was organized and Special Task Force was instituted. The petitioner is a proprietor of M/s Bhuri Arms Corporation at Munger. The Special Task Force (STF) raided the premises of the petitioner and recovered the said 30.06 bore Semi Automatic rifle. The petitioner is said to have informed the STF that the rifle was given to him by one Rajiv Kumar for repairing. It is alleged in the First Information Report that the petitioner did not furnish any licence, when demanded, in support of the said Arms nor did he give any satisfactory reply. With these allegations, the First Information Report came to be instituted.

Learned counsel appearing on behalf of the petitioner has submitted that the District Magistrate, Sheikhpura through memo No. 526 dated 24.09.2012 had allowed one Rajeev Kumar to sell his rifle to Bhuri Arms Corporation and on the basis of the said permission, the petitioner had purchased the said rifle from Rajeev Kumar and, accordingly, a sale agreement was prepared on 09.11.2012. It is contended that it is evident from the Arms

licence of the said Rajeev Kumar that the said rifle of 30.06 bore bearing no. 4726854 made in USA was a non prohibited bore rifle. He has strongly contended that in any event, the petitioner being arms dealer was duty bound to accept the said rifle under the orders of the District Magistrate.

There cannot be any iota of doubt that on the basis of what has been alleged in the First Information Report, an offence is made out under various provisions of the Arms Act against the petitioner for being in possession of semi- automatic rifle which is a prohibited fire arm.

In exercise of powers conferred under the provisions of Arms Act, Arms Rules, 1962 have been framed. Rule 3 of which deals with classification of arms or ammunition. As per Rule 3, for the purposes of the Act and these rules, “arms” or “ammunition” shall be of the categories specified in columns 2 and 3 respectively in Schedule I and references to any category of arms or ammunition in these rules shall be construed accordingly. Under the category of Arms as given in Schedule I, Semi-automatic rifle has been put in prohibited category. Forensic Science Laboratory has found the said arms to be Semi-automatic gas operated, which is certainly a prohibited fire arm.

Considering the above, I am not inclined to quash the

First Information Report as it cannot be held that no offence under the provisions of the Arms Act is made out on the basis of the allegation in the First Information Report.

This application is, accordingly, dismissed.

It goes without saying that the petitioner shall have the liberty to raise such plea as have been raised in the present application at the stage of framing of charge which shall be decided in accordance with law by the Court below on its own merit.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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