

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15562 of 2013

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Md. Athar Imam, Son of Late Hasan Imam, Resident of Mohalla- Purabsarai
Kamela Road, P.S.- Kotwali, District- Munger

.... Petitioner

Versus

1. The State of Bihar
2. The Divisional Commissioner, Munger
3. The District Magistrate, Munger
4. The Superintendent of Police, Munger
5. The Police Inspector, Kotwali Police Station, Munger

.... Respondents

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Appearance :

For the Petitioner : Mr. Uday Bhan Roy, Advocate
 : Mr. A.K. Jha, Advocate
For the State : Mr. Sunil Kumar, AC to SC 2

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 28-03-2016

Heard parties.

Petitioner seeks quashing of the order dated 24.05.2012 passed by the District Magistrate-cum-Licensing Authority, Munger by which, his firearm licence nos. 29/06 of N.P. bore rifle and 10/95 of DBBL gun have been cancelled.

Petitioner also seeks quashing of the order dated 06.03.2013 passed by the Divisional Commissioner, Munger in Arms Appeal no. 153/2012 preferred against the order as contained in Annexure-8 which was also dismissed and the order of the Licensing Authority has been upheld.



It is submitted on behalf of the petitioner that the impugned order has been passed in violation of Principles of Natural Justice. It is contended that a show-cause notice was issued with respect to the involvement of the petitioner in four criminal cases but, while taking a decision, several other cases appear to have been considered whereas the reply to the show cause notice regarding the aforementioned cases submitted by the petitioner has not been considered by the Licensing Authority. Other grounds raised by the petitioner have not been considered by him.

Learned counsel for the petitioner places reliance upon the decision of this Court rendered in *Bhola Saw @ Bhola Kumar Gupta v. State of Bihar and another* [2013 (2) PLJR page 604] in support of his aforesaid submission that on that grounds, order impugned be quashed.

Admittedly, the petitioner is involved in at least 3-4 cases with an allegation of serious nature which are registered under Sections 307 of the Indian Penal Code and 27 of the Arms Act and Sections 3, 4 and 5 of Explosive Substance Act. The petitioner claims that out of six cases mentioned in the impugned order, in one case, he has been acquitted and in one of the cases, he has not been made accused and in the case shown at sl no. 6 in the order impugned, he has not been sent up for trial.



A Full Bench decision of this court rendered in *Kapildeo Singh v. State of Bihar and others* [AIR 1987 Patna 122] has dealt with the issue as to whether during pendency of criminal cases, licence can be cancelled by the Licensing Authority or not. The Full Bench has answered this issue in affirmative holding that the discretion given to the Licensing Authority in the matter of grant or refusal of cancellation of licence u/s 13, 14, 17 of the Arms Act has deliberately been kept untrammelled and, thus, during pendency of the criminal case, the Licensing Authority, in its wisdom and on its satisfaction, can cancel the licence. However, a strong note of caution has been made as criminal cases may vary from paltry traffic offences up to the most horrendous capital crime and whilst the pendency of the former may hardly provide an adequate basis under [Section 17\(3\)](#), in the case of the latter after notice and hearing of the explanation given by the licensing authority, such action may well become necessary.

In the present case, the petitioner was given a show cause notice. Petitioner claims that all the grounds, raised in the reply to the show cause notice, have not been considered but learned counsel has miserably failed in making out any case even before this Court to show that if the matter is remitted back, there can be a

situation, in which, order of cancellation of licence may not be passed against him as he is, admittedly, involved in cases under Section 307 IPC, Section 27 of Arms Act as well as Sections 3, 4 and 5 of Explosive Substance Act which come in the category of horrendous crime.

In such a situation, this Court is not inclined to interfere in the matter.

Accordingly, this writ application is dismissed.

(Dr. Ravi Ranjan, J.)

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