IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.637 of 2016
IN
Civil Writ Jurisdiction Case No. 15073 of 2013

==========

Nageshwar Singh, Son of late Thakur Dayal Singh, Resident of Village- Saidabad, PS Sheo Sagar, District Rohtas.

.... Petitioner- Appellant/s

Versus

1. The State of Bihar.
2. The Commissioner, Patna Division, Patna.
3. The District Magistrate, Rohtas, Sasaram.
4. The Deputy Collector, Law, Rohtas, Sasaram.
5. The Superintendent of Police, Rohtas, (Dehri).
6. The District Arms Magistrate, Sasaram.
7. The Police-in-Charge, Sasaram(Agrer) Police Station , Rohtas.

.... Respondent/s

==========

Appearance :
For the Appellant/s : Mr. Devi Das Srivastava, Advocate
For the Respondent/s : Mr. Ravi Verma, AC to GP-4

==========

CORAM: HONOURABLE THE CHIEF JUSTICE
And
HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 08-05-2017

Re.: Interlocutory Application No.2755 of 2016

The delay in filing of this Appeal is condoned.

Re. : Letters Patent Appeal No.637 of 2016

Seeking exception to an order dated 01.12.2015 passed by the learned Writ Court in CWJC No.15073 of 2013, in the matter of rejecting a prayer made by the petitioner for restoration of an arms license, this appeal has been filed under Clause 10 of the Letters Patent.

The concurrent order passed by the licensing authority, the

WEB COPY

appellate authority and the Writ Court refusing to restore the license of the petitioner and cancel it is challenged in this appeal and on going through the reasons that weighed with the learned Writ Court for rejecting the claim, we find that the learned Writ Court has recorded the following reasons.

> "In my view, it does not specify that unless there is an allegation of firing from the licensed weapon upon the licensee, the licence cannot be suspended or revoked by the licensing authority even though cases pending against him are of serious nature and he is satisfied that firearm in hand of such person would not be good for public peace and tranquility. The Full Bench has observed that it may be a relevant and added factor for exercise of discretion in the matter but it has finally come to the conclusion that there is no inflexible rule in applying the aforesaid. In the present case, admittedly charges have been framed against the petitioner, apart from other Sections, under Section 307 of the I.P.C and Section 27 of the Arms Act also. It appears from the perusal of the order passed by the licensing authority that the petitioner, after being involved in the case of serious nature, had tried to suppress the fact during investigation that he was having a licensed firearm. It has been specifically stated that during the enquiry he has suppressed the aforesaid fact and, therefore, the Collector has found that the petitioner is not fit to hold licence. The Full Bench has observed in clear terms that ultimately it is the subjective satisfaction of the licensing authority for adjudging as to which person should be allowed to continue with the firearm or not."

WEB COPY

Keeping in view the aforesaid reasons indicated by the learned Writ Court, we find that no case is made out for making any indulgence into the matter. The appeal stands dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Sunil/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	11.05.2017
Transmission Date	

WEB COPY