

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5479 of 2017

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Ram Prakash, Son of Vijay Kumar, Resident of Village-Andarkila- Hela Bazar, P.S.-Town Hazipur, District-Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, (Home), Bihar, Patna.
2. The Divisional Commissioner, Tirhut Division, Muzaffarpur
3. The District Magistrate vaishali at Hazipur.
4. The Superintendent of Police, Vaishali at Hazipur
5. The District Arms Magistrate, Vaishali at Hazipur.
6. The Officer in Charge Town P.S. Hazipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Niraj Kumar, Advocate
Mr. Sanchay Shrivastava, Adv.
For the Respondent/s : Mr. Manish Kumar-GP-4

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-08-2017 Heard Mr. Sanchay Shrivastava, learned Counsel appearing on behalf of the petitioner and Mr. Manish Kumar, learned GP-4 appearing on behalf of the respondents.

The present writ application has been filed for quashing of Memo No. 495, dated 16.04.2014, issued under the signature of Respondent No.3, the District Magistrate, Vaishali at Hazipur, whereby, the revolver's license of the petitioner being License No. 525/2013 has been cancelled on account of his being involved in Nayagaon P.S. Case No.111/2013, registered for the offences punishable under Sections 364A/212/120B of the Indian



Penal Code.

It is submitted by learned Counsel appearing on behalf of the petitioner that the Arms license in question, was issued to the petitioner in 2013 and was valid up to 31.12.2015. In the meantime, the petitioner got implicated in Nayagaon P.S. Case No.111/2013 instituted under Sections 364A/212/120B and vide Memo No.146, dated 22.01.2014, issued under the signature of Respondent No.3, the District Magistrate, Vaishali, a show cause was issued to the petitioner as to why the recommendation of the Superintendent of Police, Vaishali with regard to cancellation of the Arms License No. 525 of 2013 be not accepted, since the petitioner has been implicated in a criminal case being Nayagaon P.S. Case No.111/2013. The petitioner was granted one week's time for filing show cause as to why his Arms License No. 525 of 2013 be not cancelled. The same has been brought on record as Annexure-2 to the writ application. Learned Counsel for the petitioner further submits that after grant of bail in criminal case, the present writ application has been filed, but in the meantime, the Arms license of the petitioner has been cancelled vide Memo No. 495, dated 16.04.2014, as contained in Annexure-3, issued under the Signature of Respondent No.3, the District Magistrate, Vaishali on the ground that the petitioner is an accused



in Nayagaon P.S. Case No.111/2013.

It is submitted by learned Counsel appearing on behalf of the respondents that the order of cancellation was passed on 16.04.2014 and the present writ application has been registered on 11.04.2017. Moreover, the order under challenge is appellable under Section 18 of the Arms Act.

Learned Counsel for the petitioner does not controvert the aforesaid contention of learned Counsel for the respondent State.

In the circumstances, the writ application is disposed of with a liberty to the petitioner to prefer statutory appeal before the appropriate authority within a period of four weeks of receipt/production of a copy of this order along with an application for condonation of delay. If such application is filed, then the appellate authority will consider the application for condonation of delay in filing of the appeal without being prejudiced by the order of this Court.

Accordingly, the writ application is disposed of.

(Dinesh Kumar Singh, J)

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