

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.804 of 2013

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Nand Kishore Choudhary, S/O Shri Harihar Chaudhary, Resident Of Ward
No. 24, Nagar Parishad, Supaul, Police Station And District Supaul.

.... Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Govt. Of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Commissioner, Koshi Division, Saharsa.
4. The Deputy Inspector General of Police, Koshi Range, Saharsa.
5. The District Magistrate, Supaul.
6. The Superintendent of Police, Supaul.
7. The Deputy Superintendent of Police, Supaul.
8. The Police Inspector, Supaul Police Station, District Supaul.
9. The District Arms Officer, Supaul.
10. The Station House Officer of Supaul Police Station, District Supaul.
11. Ranjeet Prasad, S/O Shri Basudeo Prasad, Resident Of Ward No. 12,
Drug Centre, Thana Road, Police Station And District Supaul.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Shekhar Dwivedi, Sr.Adv.
Mr. Ranjan Kumar Dubey, Adv.

For the Respondent/s : Mr. Prem Ranjan Kumar, AC to AAG-IX

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 02-03-2017 This application under Article 226 and 227 of the

Constitution of India is for issuance of writ in the nature of
certiorari quashing the antecedent report of the petitioner
contained in memo no.519 dated 01.05.2008 (Annexure-1) as well
as for quashing the order dated 27.09.2011 (Annexure-17) passed
by the Superintendent of Police, Supaul on the representation of
this petitioner (Annexure-3).

The cause of action to the petitioner arose when on
the basis of the Annexure-1 i.e., the antecedent report, the Arms



licence of this petitioner was cancelled by the competent authority.

The petitioner had approached this Court earlier in CWJC No.987 of 2010 (Annexure-2) for quashing of the antecedent report above and this Court had passed the following orders:-

“Heard learned counsel for the petitioner and for the State.

The petitioner is aggrieved by his antecedents report dated 1.5.2008 prepared by the Police Inspector, Supaul Police Station. It states that he has antecedents of 12 cases.

Learned counsel for the petitioner submits that as of date there are only three cases pending against him. In some of the others he has been acquitted and in other he has been made an accused on a confusion of name.

Learned counsel for the State rightly submits that whether the cases in which acquittal has been granted shall form part of the antecedent or not shall depend on the nature of acquittal, whether it was on merits after contest or whether by grant of benefit of doubt etc. The Court is satisfied that the issue whether a person had been made accused on a confusion of name would also require an enquiry which is not possible in the present writ petition.

Let the petitioner represent before the Superintendent of Police, Supaul with all



materials on which he proposes to rely in light of the present discussion to enable the Superintendent of Police to pass a reasoned and considered order thereafter within a maximum period of four weeks from the date that the petitioner submits such application with all supporting materials before the Superintendent of Police.

The application stands disposed.”

In pursuance of the aforesaid order, the petitioner filed representation dated 20.06.2011 before the Superintendent of police, Supaul, vide Annexure-3, stating therein that copy of some of the judgments or FIR of some of the previous cases are not available because reportedly the same have been destroyed. In some other cases the petitioner was acquitted. However, three cases are still pending there.

The Superintendent of Police, Supaul, while passing the impugned order dated 27.09.2011 (Annexure-17), has considered the representation of the petitioner and came to the conclusion that the petitioner failed to produce supporting documents of acquittal etc. in the referred cases and three serious cases were still pending and as such rejected the representation of the petitioner. Thereafter, the present writ application.

Submission of the petitioner is that some of the cases



referred to as criminal antecedents were there at the time of grant of Arms licence. Therefore, they could not have been considered for cancellation of licence. The aforesaid may be a submission in the appeal against the cancellation of the licence, but cannot be an acceptable submission to quash the impugned orders or antecedent report.

Since the matter has been considered by the competent authority in pursuance of earlier direction of this Court by a reasoned order, I do not find any merit in this writ application to interfere with the impugned orders. Accordingly, this application stands dismissed as devoid of merit.

(Birendra Kumar, J)

Arvind/-

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