

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1792 of 2018

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Ajit Kumar S/o Sri Krishan Nandan Prasad Singh R/o Village- Akhtiyarpur,
P.S. Paliganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Home Secretary, Govt. of Bihar.
2. Divisional Commissioner, Patna Division, Patna.
3. District Magistrate, Patna
4. Senior Superintendent of Police, Patna.
5. Additional District Magistrate(Arms), Patna.
6. District Arms Magistrate, Patna.
7. Additional Superintendent of Police, Paliganj.
8. Sub-Divisional Magistrate, Paliganj.
9. S.H.O. Paliganj, Police Station- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. B.N. Pandey, Advocate
Ms. Shweta Pandey, Advocate
Mr. Deepak Kumar, Advocate

For the Respondent/s : Mr. P.K. Verma- AAG-3
Mr. Sanjay Kumar Ghosarvey, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 25-09-2018

Heard Mr. B.N. Pandey, learned counsel for
the petitioner and Mr. Sanjay Kumar Ghosarvey, learned AC to
AAG-3.

The present writ application has been filed for
quashing the order dated 28.07.2017 passed by respondent no. 3,
District Magistrate, Patna, whereby the petitioner's application for
grant of licence for N.P. Bore Revolver/Pistol has been rejected.

It is submitted by learned counsel for the
petitioner that initially the petitioner made an application for grant



of licence for three arms namely, N.P. Bore Pistol/Revolver, N.P. Bore Rifle and one DBBL Gun, since the brother-in-law of the petitioner was killed, leading to registration of Paliganj P.S. Case No. 47 of 2015 with accusation under Sections 302/34 of the Indian Penal Code.

In the first round the District Magistrate rejected the application of the petitioner vide order dated 26.04.2016 on the ground that the petitioner is not having any threat perception. The said order was challenged in C.W.J.C. No. 11288 of 2016 and a Bench of this Court set aside the order on the ground that threat perception is not a sine qua non for grant of arms licence and remanded back the matter. After remand the petitioner was interested only for grant of one arms licence for N.P. Bore Revolver/Pistol, but in order to reject the claim of the petitioner a fresh police report obtained to the extent that the petitioner used to reside part time at Rajiv Nagar, instead of Paliganj and on that ground the application of the petitioner was again rejected.

This Court is not inclined to interfere on the merit of the case on the sole ground that there is a statutory provision of appeal available under Section 18 of the Arms Act, 1959 against the order passed by the licensing authority.



In view of the discussion made above, the petitioner is given liberty to prefer an appeal before the Appellate Authority within a period of three weeks from the date of receipt of a copy of this order along with application for condonation of delay. It is expected from the Appellate Authority to consider the application for condonation of delay in view of the fact that the writ application was pending before this Court. It is further expected from the Appellate Authority to decide the appeal within a period of six weeks of its filing.

With the above liberty, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

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