

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13191 of 2018

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Satendra Kumar @ Satendra Kumar Singh Son of late Punit Kunwar
Resident of Village- Basatputr Bada Tola, P.S. Muffasil, P.O. Rupdhi, Distt.
East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through Home Secretary, Govt. of Bihar, Patna.
2. The District Magistrate, Motihari, East Champaran.
3. The Superintendent of Police, Motihari East Champaran.
4. The Sub-Divisional Police Officer, Motihari, East Champaran.
5. The Officer in Charge, Muffasil Police station Motihari, East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hemant Kumar Sharan, Advocate
Mr. Kundan Rathore, Advocate
For the Respondent/s : Mr. P.K. Verma- AAG3
Mr. S.K. Jha, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 23-07-2018

Heard Mr. Kunda Rathore, learned counsel

for the petitioner and Mr. S.K. Jha, learned AC to AAG-3.

In view of the nature of the order this Court intends to pass, there is no need to adjourn the matter any further for filing counter affidavit.

The present writ application has been filed for a direction to the respondents, particularly, Respondent No. 2, District Magistrate, Motihari, East Champaran to take a final decision for grant of licence for NP Bore Rifle as the application of the petitioner has been pending since 2012.



It is submitted by learned counsel for the petitioner that the petitioner is Coordinator in a Teacher's Training college. In the year 2012 a dacoity was committed in the house of the petitioner, leading to registration of Motihari Muffasil P.S. Case No. 89 of 2012. Consequent thereupon, the petitioner submitted an application before the licensing authority. i.e., District Magistrate, Motihari, East Champaran for grant of licence for NP Bore rifle, but the same is still pending for disposal. In 2017 an attempt was made by some criminals on the life of the petitioner, in which he received injuries leading to registration of Motihari Muffasil P.S. Case No. 556 of 2017 on 27.10.2017 under Sections 307/34 of the Indian Penal Code, as contained in Annexure-2 series. The records show that the police has recommended the case of the petitioner for grant of arms licence, but final decision has not been taken till date. Hence, the present writ application.

Mr. S.K.Jha, learned AC to AAG-3 submits that, at present, he is not having any instruction whether a decision on the application of the petitioner has been taken or not, but if no decision has been taken on the application of the petitioner, it will be taken by the licensing authority within a reasonable time frame.

Having heard the learned counsel for the



parties, from the materials on record it appears that no decision has been taken by the licensing authority on the application of the petitioner. It is high time that the licensing authorities are made aware about the provisions under Rules 13 and 14 of the Arms Rules, 2016. Rule 14 mandates transmission of police report by the Station House Officer of nearest police station within thirty days of receipt of the application, whereas Rule 13 mandates that the licensing authority should take a final decision in writing by speaking and reasoned order granting or refusing the licence within sixty days of receipt of the police report.

In the circumstances, it is expected from Respondent No. 2, District Magistrate, Motihari, East Champaran to take a final decision on the application of the petitioner within six weeks from the date of receipt/production of a copy of this order.

Accordingly, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

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