

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19054 of 2016

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Shama Parween, W/o Tabrej Alam, R/o Village- Gareriakhanda, P.S.-
Jehanabad, Dist- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar, Home Department.
2. The Commissioner, Magadh Division, Gaya.
3. The Collector, Jehanabad.
4. The District Arms Licensing Authority, Jehanabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
Mr. Gautam Kumar Yadav, Advocate
For the Respondent/s : Mr. Sheo Shankar Prasad, SC-8
Mr. Harshavardhan Shivsundaram, AC to SC-8

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 01-11-2018

Heard Mr. Sunil Kumar Singh learned counsel

for the petitioner and Mr. Harshavardhan Shivsundaram, learned
AC to SC-8.

The present writ application has been filed for quashing the order dated 17.09.2016 passed in Case No. 104 of 2016 passed by Respondent No. 3, the Collector, Jehanabad, whereby the application of the petitioner for grant of licence for rifle has been rejected, as contained in Annexure-1, on the ground that the petitioner is not having any threat perception, she is of quarrelsome nature and her husband is having several criminal antecedent and in case of grant of licence, it is likely to be misused by her husband and moreover, the police has also not made recommendation in favour of the petitioner.



It is submitted by learned counsel for the petitioner that this is the 3rd round the petitioner has approached this Court for grant of arms licence since 2008.

Keeping in view the fact that the petitioner has alternative remedy of appeal under Section 18 of the Arms Act, 1959, this Court is not inclined to interfere. However, in view of the supplementary affidavit that recently the husband of the petitioner has been killed and hence, she is having genuine threat to her life and property, this Court gives liberty to the petitioner, if so advised, to prefer an appeal before the Appellate Authority, i.e., Commissioner, Magadh Division, Gaya within a period of three weeks from the date of receipt of a copy of this order along with application for condonation of delay. On filing of such appeal, the Appellate Authority, i.e., Commissioner, Magadh Division, Gaya will consider the application for condonation of delay in view of the fact that the writ application was pending before this Court and dispose of the appeal within a period of six weeks of its filing.

With the above observation and direction, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

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