

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5330 of 2018

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Rajkumar Sharma, aged about 78 years, son of late Jagdish Sharma, Resident of Mohalla- Rampur, Post Office- Mahendru, Police Station- Bhagalpur, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Commissioner Patna Division, Patna
2. District Magistrate, Patna
3. District Arms Officer, Patna
4. Superintendent of Police, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Archana Sinha @ Archana Shahi, Adv.
For the Respondent/s : Mr. Shailesh Kumar, AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date : 25-06-2018

Heard learned Counsels for the petitioner and the respondents.

Learned counsel for the petitioner is permitted to make necessary correction with regard to seriatim of the respondents.

This writ application has been registered on 22.03.2018, but no counter affidavit has been filed, moreover, in view of the nature of order this Court intends to pass, there is no need of adjourning the matter any further.

The present Writ application has been filed for a direction to the respondent authorities, particularly, Respondent



No. 2, the District Magistrate, Patna for renewal of licencee for DBBL Gun issued vide License No. 1698/1973 and also for a direction to issue the duplicate copy of the license since the original copy has been lost.

It is submitted by learned counsel for the petitioner that the petitioner being the police officer was granted license for DBBL Gun in 1973, being License No.1698/1973 and thereafter it was used on several occasions and there was no complaint against the petitioner. The petitioner retired from the post of Sub-Inspector in 1998. On 11.03.2014, as contained in Annexure-1, the petitioner produced his license of DBBL gun before the Respondent No.4, the Superintendent of Police, Patna for renewal of his license for. It was also produced before the Respondent No.3, the District Arms Officer, Patna for obtaining permission to participate in the renewal procedure of the license of the gun. The petitioner lost his license and other papers in course of getting of the license renewed, for which the petitioner got a Sanha lodged on 19.02.2014, as contained in Annexure-2. Thereafter the petitioner submitted a representation before the Respondent No.2, the District Magistrate, Patna enclosing a copy of Sanha and with a prayer for granting duplicate licence on 21.02.2017, as contained in Annexure-3. But despite the



filing of the application, after obtaining information under the Right to Information Act, neither the petitioner's license for DBBL gun has been renewed nor the duplicate copy of the license has been issued. Hence, the present Writ application.

Learned AC to GP 5 submits that at present he is not having any instruction, but he submits that it does not appear from the writ application as to when the petitioner's arms license has actually expired. However, if the petitioner's arms licence has not been renewed till date, a decision will be taken by the Licensing Authority within a time frame.

Under Arms Rule, 1962, Rule 54 deals with the renewal of the arms license which suggests that for renewal of arms licence application be made on expiry of the validity of the license. Sub-Rule 4 of Rule 54 of the Arms Rules, 1962 stipulates that the licensing authority may consider an application for renewal of a licence, if the period between the date of its expiry and the date of application is not, in his opinion, unduly long with due regard to the circumstances of the case, and all renewal fee for the intervening period are paid; otherwise the application may be treated as one for grant of a fresh license.

In the present case, it is not in dispute that the



petitioner made application for renewal of his arms licence after the date of expiry of the Arms Licence.

Rule 58 of the Arms Rule 1962 stipulates that where a licence granted or renewed under these Rules is lost or accidentally destroyed, the authority is empowered to grant such licence or may grant a duplicate on payment of fee with which the original licence was chargeable.

Learned counsel for the petitioner submits that the petitioner is ready to deposit the required fee.

Neither Section 15 of the Arms Act, 1959 nor Rule 54 of Arms Rules, 1962, prescribed a time limit for renewal of arms licence, but under Rule 24 of Arms Rules, 2016, it has been stipulated that the arms licence has to be renewed within a period of thirty days of the receipt of the police report. Sub-rule (2) of Rule 24 prescribes the period for filing an application for renewal of a licence for arms or ammunition before sixty days of its expiry.

Rule 24 of the Arms Rules, 2016 suggests that every licence may, at its expiration and subject to the same conditions (if any) as to the grant thereof, be renewed by the authority mentioned in Schedule II as renewing authority within a period of thirty days of receipt of the police report and the application



for renewal has to be submitted within sixty days prior to the expiry of the said licence. Sub-Section 5 of Rule 24 of the Rules 2016 stipulates that the licensing authority may consider an application for renewal of a licence, if the period between the date of its expiry and the date of application is not, in his opinion, unduly long with due regard to the circumstances, of the case, and all renewal fees are paid; otherwise the application may be treated as one for grant of a fresh licence.

Rule 28 of Arms Rules, 2016 stipulates to the effect that where a licence granted or renewed under these Rules is lost or accidentally destroyed, the authority empowered to grant such licence may grant a duplicate licence on payment of the fee with which the original licence was chargeable.

This Court is dismayed to find that the application of the petitioner for renewal of arms licence or granting duplicate licence was submitted in 2014, but till date it has not been disposed of.

In the circumstances, the Respondent No.2, the Licensing Authority, i.e. the District Magistrate, Patna is expected to take a decision on the application of the petitioner, keeping in view of the fact that he is a retired police officer, if the same has not already been disposed of, preferably within a



period of six weeks from the date of receipt/production of a
copy of this order.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

