

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1440 of 2017

1. Sunil Kumar, S/O- Nagesh Mahto, Resident of village- Sapahi,
P.O- Nimez, P.S- Brahmpur, Dist.- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Buxar.
2. The Superintendent of Police, Buxar.
3. The Sub-divisional Officer, Buxar.
4. The Section House Officer, Brahmpur Police Station, Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh
For the Respondent/s : Mr. Ravi Verma, AC to GP 4

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-11-2018 Heard learned counsels for the parties.

The present writ application has been filed for quashing the order dated 23.02.2016 passed by Respondent No. 1, the District Magistrate, Buxar in Arms Case No. 45/2014, as contained in Annexure 2, whereby the application submitted by the petitioner for grant of licence for gun has been rejected.

Without expressing any opinion on the merits of the case, this Court is simply not inclined to interfere since the petitioner has alternative remedy of appeal under Section 18 of the Arms Act, 1959.

In the circumstances, this Court, in the interest of justice, permits the petitioner to prefer appeal before the



appellate authority, i.e., the Divisional Commissioner, Patna Division against the impugned order along with an application for condonation of delay within a period of four weeks from the date of receipt/production of a copy of this order. It is expected from the Appellate Authority to consider the application for condonation of delay since the present writ application was pending before this Court. It is further expected from the Appellate Authority to decide the appeal without being prejudiced by this order, as this Court has not expressed any opinion on the merits of the case, preferably within a period of eight weeks of its filing.

With the aforesaid, this writ application is disposed of.

(Dinesh Kumar Singh, J)

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