

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7997 of 2017

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Sanjeev Kumar Son of Sri Bhola Prasad yadav Residence of Mohalla- Padri
Ki Haveli, P.S. Khajekala, P.O. Jhauganj, District- Patna.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.
For the Respondent/s : Mr. Ajay Kumar, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 10-09-2018

Heard learned counsel for the petitioner and the respondent-State.

The present writ application has been filed for quashing the order dated 10.12.2016, contained in Memo No.3601/Arms, passed by the District Magistrate, Patna in Misc. Arms Case No.09-267/2012, whereby, the application of the petitioner for for grant of licence for revolver/pistol has been rejected.

It appears that the petitioner had earlier approached this Court for a direction to the licensing authority to dispose of



the application, and subsequently, the petitioner had again approached this Court, challenging the order of the licensing authority, whereby, the claim of the petitioner has been rejected. It appears that in the first round, the licensing authority, i.e. the District Magistrate, Patna, rejected the application of the petitioner vide order dated 02.03.2016, as contained in Annexure-5, on the ground that in view of Circular dated 31.03.2010 issued by the Ministry of Home, Government of India, being Circular No.V-11016/16/2009, the petitioner is not having any life threat and now vide the impugned order dated 10.12.2016, the application of the petitioner has been rejected, second time, on the ground that granting of arms licence to the petitioner will affect public peace and public security.

Keeping in view of the fact that the the alternative remedy of appeal under Section 18 of the Arms Act is available to the petitioner, this Court is not inclined to interfere with regard to manner in which the licensing authority has passed both the orders, whereby, the claim of the petitioner has been rejected twice.

The petitioner is at liberty to prefer an appeal 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 such



appeal being filed, 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 expeditiously, keeping in view the factual details, as deliberated above, which has compelled the petitioner to file the present writ application, preferably within a period of six weeks of its filing.

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

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

