

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3014 of 2017

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Shambhu Prasad Singh son of Late Ramanuj Singh resident of village
Simariya, P.S. - Barauni (Chakiya O.P.), District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Begusarai.
2. The District Magistrate, Begusarai.
3. The District Arms Magistrate, Begusarai.
4. The Superintendent of Police, Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Advocate

For the Respondent/s : Mr. Md.Nadeem Seraj, GP-5

Mr. Munindra Kumar, AC to GP-5

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 05-11-2018

Heard Mr. Ajit Kumar, learned counsel for the
petitioner and Mr. Munindra Kumar, learned AC to GP-5.

The present writ application has been filed for
quashing the order dated 07.01.2017 passed in Arms Licence Case
No. 88 of 2009 passed by Respondent No. 2, District Magistrate,
Begusarai, whereby the application of the petitioner for grant of
licence for N.P. Bore Rifle has been rejected on the ground that
the petitioner is not having any threat perception.

It is submitted by learned counsel for the
petitioner that initially the petitioner submitted the application for
grant of licence for N.P. Bore Rifle in the year 2008. Since the
application was kept pending, the petitioner came before this



Court by filing C.W.J.C. No. 19945 of 2016 when this Court vide order dated 21.12.2016 directed the District Magistrate to take a decision on the application of the petitioner within a period of two weeks. Thereafter, the application of the petitioner was rejected vide order dated 07.01.2017 on the ground that the petitioner is an accused in a criminal case being (Barauni) Chakiya (O.P.) P.S. Case No. 153 of 2015 for the offences under Sections 143, 149, 342 and 353 of the Indian Penal Code. It is further submitted that in spite of the fact that the police recommended in favour of the petitioner for grant of licence, yet mechanically the application of the petitioner has been rejected.

Keeping in view the fact that the petitioner has the alternative remedy of appeal, as provided under Section 18 of Arms Act, 1959, this Court is not inclined to interfere. However, the petitioner, if so advised, may prefer an appeal before the Appellate Authority within a period of three weeks from the date of receipt of a copy of this order along with application for condonation of delay, whereupon, it is expected from the Appellate Authority to consider the application for condonation of delay in view of the fact that the petitioner was pursuing his remedy before this Court and that the question of grant of licence remained pending for last ten years before being rejected vide



order dated 07.01.2017. It is further expected from the Appellate Authority to decide the appeal preferably 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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