

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7914 of 2018

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1. Arjun Kumar @ Arjun Yadav Son of Jago Prasad Resident of Village - Kandi Nawada, P.S. - Chandauti, Distt. - Gaya, at present Sohan Bigha, P.S. Magadh Medical, Distt. - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Commissioner, Magadh Division, Distt. - Gaya.
3. The District Magistrate, Distt. - Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav

For the Respondent/s : Mr. Manish Kumar -Gp4

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 08-05-2018 Heard Mr. Sunil Kumar Yadav, learned counsel for the petitioner and Mr. Ravi Verma learned AC to GP-4.

The present writ application has been filed for a direction to the District Magistrate, Gaya (respondent No. 3) to dispose off the representation of the petitioner which has been filed in pursuance to the order dated 09.01.2017 in CWJC No.16065 of 2016, as contained in Annexure- 7, whereby the order cancelling the petitioner's licence for a gun and revolver was quashed with liberty to the Licencing Authority to initiate a fresh proceeding by issuing show cause, if, so desired.

The factual matrix of the case is that the petitioner was granted licence for revolver and double barrel gun vide licence Nos. 40/04 and 137/97. Subsequently, his name sprang up in Magadh Medical P.S Case No. 49 of 2016 registered under Section 387 of the



Indian Penal Code wherein it has been alleged that the petitioner being the Ward Attendant at Anugrah Narayan Magadh Medical College, Gaya threatened the students leader with his licenced revolver. Consequently, on the recommendation of the Sr. Superintendent of Police, Gaya both the licences of the petitioner were cancelled by the District Magistrate Gaya vide order dated 25.11.2015 as contained in Annexure- 5 to this petition. The said order was challenged in Arms Appeal No. 29 of 2016 by the petitioner but the order of the District Magistrate was affirmed and the appeal was dismissed vide order dated 13.07.2016 passed by the Commissioner, Magadh Division, Gaya in Arms Appeal No. 29 of 2016 (Annexure- 6). Both the orders are under challenge. Thereafter, the petitioner preferred writ application bearing CWJC No. 16065 of 2016 and this Court set aside the order of cancellation of licence granting liberty to licencing Authority to initiate a fresh proceeding on the ground that the petitioner was not given an opportunity of hearing. Thereafter, the petitioner submitted an application before the District Magistrate, Gaya on 26.05.2017 as contained in Annexure- 8.

A supplementary affidavit has been filed by the petitioner stating that the petitioner has been acquitted from the criminal charge vide order dated 20.10.2016 passed by A.C.J.M – 4 Gaya in G.R. No. 1685 of 2015/TR No. 1558 of 2016. The said order has been brought on record as annexure- 9 to the supplementary affidavit.

It appears that in pursuance of the order dated 01.09.2017



passed by the District Magistrate, Gaya, as contained in Annexure- 8A, fresh proceeding was initiated and up-to-date report was called for from the Senior Superintendent of Police, Gaya, but the same has yet not been concluded. Hence the present writ application.

Learned AC to GP-4 submits that if, the proceeding has yet not been concluded, the same will be concluded within a period of eight weeks from today.

In view of the stand taken by the learned AC to GP-4, it is expected that the licencing Authority (District Magistrate Gaya) will conclude the proceeding and dispose off the representation of the petitioner within the period of eight weeks in accordance with law.

It is made clear that this Court has not expressed any opinion on the merits of the case.

Accordingly, this writ application is disposed off.

(Dinesh Kumar Singh, J)

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