

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4344 of 2018

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Shashibhushan Kushawaha, Son of Gore Lal Kushwaha, Resident of
Village- Mahagama Khajuri, Police Station- Dharahara, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Divisional Commissioner, Munger.
3. The District Magistrate, Munger.
4. The Superintendent of Police, Munger.
5. The District Arms Magistrate Sadar, Munger.
6. The Sub-Divisional Magistrate, Sadar, Munger.
7. The Circle Officer Dharhara, Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha, Advocate
For the Respondent/s : Mrs. Babita Kumari, AC to SC-1.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 18-06-2018

Learned counsel for the petitioner is permitted

to make necessary correction in the petition.

Heard Mr. Shivendra Kumar Sinha, learned
counsel for the petitioner and Mrs. Babita Kumari, learned AC to
SC-1.

The present Writ application has been filed for
quashing the order dated 12.01.2018 passed by Respondent no. 3,
District Magistrate, Munger, as contained in Annexure-10,
whereby petitioner's application for grant of licence for N.P. bore
pistol/revolver has been rejected.

It is submitted by learned counsel for the



petitioner that initial application for grant of arms licence was rejected by the District Magistrate, Munger vide order dated 04.07.2016, as contained in Annexure-7, on the ground that petitioner had no threat perception. The said order was challenged in Arms Appeal No. 20 of 2017 and the Divisional Commissioner, Munger vide order dated 17.11.2017/29.11.2017, as contained in Annexure-8, set aside the order of the District Magistrate, Munger dated 04.07.2016 on the ground that the police report suggests that the petitioner has threat perception. On remand the District Magistrate –cum- Licensing Authority, Munger vide order dated 12.01.2018 rejected the application of the petitioner on two grounds; firstly that the report of the Station House Officer was only forwarded and it was not endorsed by the Superintendent of Police, Munger and secondly, under Rule 12(3) of 2016 Rules, the preference for grant of arms licence has to be given the person who by the very nature of his business, profession, job or otherwise has genuine requirement to protect his life and/or property, but no specific reason has been again assigned by the District Magistrate. Hence, the present writ application.

Learned counsel for the State submits that she has no instruction in the matter.

This Court, at present, is not inclined to



interfere since the order under challenge is appealable under Section 18 of the Arms Act, 1959.

In the result, the petitioner is permitted to prefer an appeal before the Divisional Commissioner, Munger within a period of three weeks from the date of receipt of a copy of this order along with application of condonation of delay. It is expected from the appellate authority to consider the condonation of delay in view of the fact that the writ application has been pending before this Court to consider the appeal on merits in accordance with law and dispose of the same preferably within a period of six weeks of its filing.

Accordingly, this Writ application is disposed of.

(Dinesh Kumar Singh, J)

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