

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20196 of 2018

=====

Om Prakash Singh, Son of Bindyachal Singh, Resident of Village- Repura,
Police Station- Ziradei, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner, Saran Division, Chapra.
2. The Commissioner, Saran Division at Chapra.
3. The District Magistrate, Siwan.
4. The Sub Divisional Officer, Siwan.
5. The S.H.O. Zeradei, Police Station-Siwan.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.
For the Respondent/s : Mr. Md.N.H. Khan-SC1

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 27-11-2018

Counter affidavit has been filed on behalf of the
respondent Nos. 3 and 4 during the course of the day.

2. Let it be taken on record.

3. The licence of the petitioner was cancelled on
06.04.2005 as he had not presented himself along with the
licence and the firearm against the aforesaid licence for
confirmation. It was found out by the Collectorate, Siwan
that many persons with tainted background had obtained
licence. For the purposes of remedying/straightening the
records, all the licence holders in the district of Siwan were



directed to appear before the concerned authority for confirmation that they did not have any criminal background.

4. Despite specific direction, the petitioner did not appear before the concerned authority. As such, his licence was cancelled by virtue of powers given to the District Magistrate under Section 17(3) of the Arms Act, 1959.

5. The petitioner kept on getting his licence renewed and only preferred an appeal against such order of cancellation in the year 2018.

6. The ostensible plea taken by the petitioner before the Commissioner, Saran Division in Arms Appeal No. 132 of 2018 was that he had fallen ill and, therefore, could not know about such direction of the District Magistrate to show-up before him for the purposes of confirmation about his background.

7. The Commissioner, Saran rejected such plea and justifiably so because the petitioner had woken up from the slumber after thirteen long years.

8. This Court does not know what has been the



dispensation of the petitioner in the meanwhile.

9. It also appears to be surprising that even when there was an order of cancellation of the arms licence of the petitioner, the same was continued to be renewed by the Arms Magistrate till about 2016. However, that will not give any right to the petitioner to have the cancellation revoked.

10. For the failure of the petitioner to follow the direction given by the licensing authority, the licence of the petitioner has been cancelled.

11. The appeal preferred by the petitioner has been rejected on tenable grounds.

12. The petitioner has not even stated in the present petition that for all these years he was not made accused in any criminal case

13. This Court does not consider it appropriate to interfere with the orders cancelling the licence and dismissing the appeal thereafter.

14. Needless to state that in case the petitioner deems it necessary for his personal safety, he may apply



afresh for grant of licence. The authorities concerned shall look into the matter and would not be prejudiced by the fact that on one occasion, the petitioner did not follow the direction given by the licensing authority.

15. The aforesaid observation has been made keeping in mind that the licence of the petitioner was continued to be renewed till 2016.

16. The petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29.11.2018
Transmission Date	N/A

