

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19343 of 2016

=====

Krishna Prasad Singh, S/o Late Jadu Singh, residents of Mohalla-
Ramdhanpur More, P.S.- Kotwali, Dist- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Gaya
2. The District Magistrate, Gaya, Dist- Gaya.
3. The Arms Magistrate, Gaya, Dist- Gaya.
4. The Superintendent of Police, Gaya, Dist- Gaya.
5. The Officer-in-Charge, Kotwali Police Station, Dist- Gaya.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Mahendra Thakur, Advocate
		Mr. Vijay Kumar, Advocate
For the Respondent/s	:	Mr. Psanjay Kumar Ghosarvey, AC to AAG-3

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 24-04-2019 Heard learned counsel for the petitioner and the State.

2. The grievance of the petitioner in the instant writ application is that the District Magistrate, Gaya has cancelled the arms licence issued earlier to the petitioner on the ground that the arms in question is in the category of prohibited arms and, as such, the arms licence in relation to prohibited arms is not sustainable.

3. Learned counsel for the petitioner submits that at the time of issuance of arms licence of the petitioner arms in question, i.e. .38 bore revolver, was not prohibited arms. It is the subsequent development and the arms (.38 bore revolver) was included in the category of prohibited arms. He submits that



since the prohibition was noticed subsequently, the earlier grant of arms license does not ipso facto become invalid and that cannot be a ground to cancel the arms license, as license was issued in the year 1988.

4. Learned counsel alternatively submits that the respondents may issue arms license for the category of permissible arms and the petitioner may purchase permissible arms on the strength of the fresh arms license and the arms, which was purchased earlier in terms of the arms license may be taken by the State Government and the petitioner may be compensated properly.

5. Considering the fact that at the time of issuance of the arms license, .38 bore revolver was not in the prohibited category and it was made prohibited subsequently, the Court deem it fit and proper to direct the District Magistrate, Gaya to grant arms license to the petitioner in the permissible category so that the petitioner may purchase the arms on the strength of such arms license in the category, which is now permissible.

6. The petitioner has purchased .38 bore revolver at the relevant time when it was not in the category of prohibited, the respondents may compensate the petitioner by paying cost of the revolver (.38 bore revolver), as the petitioner cannot be



made to suffer on account of subsequent change of the position that .38 bore revolver is in the prohibited category.

7. Necessary decision for grant of fresh arms licence of the permissible category of arms may be issued by the District Magistrate, Gaya at the earliest preferably within a period of four months and within a further period of one month, the respondent District Magistrate, Gaya shall take appropriate decision to compensate the decision by paying the cost of .38 bore revolver at the rate the petitioner had purchased the same. In order to obtain compensation for .38 bore revolver, the petitioner has to file appropriate application before the District Magistrate, Gaya along with a copy of this order.

8. With the aforesaid, this application stands disposed of.

(Anil Kumar Upadhyay, J)

uday/-

U			
---	--	--	--

