

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11835 of 2014

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Bhanu Pratap Singh, S/o Late Nand Kishore Singh, Resident of village
Akhhaspur, P.S.- Bhabhua, District- Kaimur

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Home, Govt. of Bihar, Patna
3. The Commissioner, Patna Division, Patna.
4. The District Magistrate, Kaimur at Bhabhua.
5. The Senior Superintendent of Police, Kaimur at Bhabhua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate
For the Respondent/s : Mr.Md. Nadim Seraj, GP-20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

8 01-05-2019 Heard learned counsel for the petitioner and counsel
appearing on behalf of the respondents.

2. The grievance of the petitioner in the instant writ
application is that his gun license was cancelled without
opportunity of hearing.

3. Md. Nadim Seraj, learned counsel appearing on
behalf of the respondents submits that the petitioner is convict
and as such there is no infirmity in the order of cancelling the
gun license. It is now well settled that no order visiting civil or
civil consequence can be passed without compliance of natural
justice.

4. Reference in this connection made in the judgment



of Apex Court in the case of **H.L.Trehan & Ors Versus Union of India & Ors**, reported in **AIR 1989 SC 567**.

5. Mr. Din Bandhu Singh, learned counsel for the petitioner submits that in the changed circumstance when the judgment of conviction was stayed by the High Court in appeal, there is no impediment in renewing the arms license of the petitioner.

6. Considering the aforesaid, the Court remits the matter back to the District Magistrate, Kaimur at Bhabua for decision afresh in the light of the order of staying the conviction passed by the High Court in appeal. Necessary decision afresh may be taken by the District Magistrate, Kaimur at Bhabua within a period of two months from the date of receipt/production of copy of this order.

7. The order of Annexures 1 and 2 shall not come in the way of passing fresh decision by the District Magistrate, Kaimur at Bhabua.

8. With the aforesaid, the writ application is allowed and disposed of.

(Anil Kumar Upadhyay, J)

Sunil shukla/-

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