

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10755 of 2018

Abhishek Kumar Singh, Son of Bipin Bihari Singh, Resident of Village-
Kaithwalia, Ward No. 7, Police Station- Gopalganj Town, District- Gopalganj.

... .. Petitioner

Versus

1. The State of Bihar through the Commissioner, Saran Division, Chapra at Saran.
2. The Commissioner, Saran Division, Chapra at Saran.
3. The District Magistrate, Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The Sub-Divisional Police Officer, Sadar, Gopalganj.
6. The S.H.O. Town, P.S. Gopalganj.

... .. Respondents

Appearance :

For the Petitioner : Mr.Lokesh Kumar Singh, Advocate.
For the Respondents : Mr.Sheo Shankar Prasad, S.C. 8.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 22-01-2019 Heard learned counsel for the petitioner and learned
counsel for the respondents.

The following reliefs have been sought for by the
petitioner in the present writ application.

“1 (I) For quashing of the order dated 15.02.2018 passed by the Commissioner, Saran Division, Chapra at Saran in Arms Appeal No. 159 of 2017, whereby and whereunder the appellate court has been pleased to reject the arms appeal of the petitioner on the ground of limitation.

(ii) For quashing the order dated 09.02.2016 in Arms Case No. 73/2016 passed by the District Magistrate, Gopalganj in which the Arms Case filed by the petitioner has been dismissed by the District Magistrate, Gopalganj as there is no apprehension to the petitioner.”



It is submitted by learned counsel for the petitioner that the respondent no. 2, The Commissioner, Saran Division, Chapra at Saran had passed the order rejecting the appeal of the petitioner on the ground that the appeal preferred by the petitioner was barred by limitation. No order was passed on merit of the case. The petitioner had preferred the appeal alongwith the petition for condonation of limitation as prescribed under the law.

Considering the fact that no order has been passed on merit, the order dated 15.02.2018 passed by the Commissioner, Saran Division, Chapra at Saran in Arms Appeal No. 159 of 2017 is set aside. The matter is remitted back to the respondent no. 2, The Commissioner, Saran Division, Chapra at Saran who shall consider the case of the petitioner on merit and pass an appropriate order in accordance with law within a period of three months from the date of receipt/production of copy of this order.

With the aforesaid observations and directions, the present writ application stands disposed of.

(Sudhir Singh, J)

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