

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4615 of 2019

In
Civil Writ Jurisdiction Case No.17332 of 2019

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Lt. Col. Sumit Sinha SM (Gallantry), Son of Prabhat Kumar Sinha,
Permanent Resident of B- 50, Budhha Colony, P.S.- Budhha Colony, District-
Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate cum Arms Licencing Authority Patna, Bihar.
2. Mr. Kumar Ravi, Son of not known , through District Magistrate cum Arms Licencing Authority, Collectorate, Patna, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shama Sinha
For the Opposite Party/s : Mr.Sheo Shankar Prasad (Sc 8)

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
C.A.V. ORDER

5 19-02-2020 This application has been filed for initiating contempt proceeding for willful disobedience of the order dated 27.08.2019 passed in C.W.J.C. No. 17332 of 2019, whereby and whereunder the respondent-District Magistrate was directed to take final decision with regard to grant of arms license in favour of the petitioner within a period of eight weeks.

A show cause has been filed on behalf of the opposite party no. 2 stating therein that the petitioner had applied for grant of license for .38 bore Revolver/Pistol before the Licensing Authority-cum-District Magistrate,



Patna. As per Schedule I, Part A, 1(c) of the Arms Rule, 2016, the aforesaid arms comes under the restricted category and the licensing authority for such arms is the Central Government, Ministry of Home Affairs. The District Magistrate, Patna on consideration of all the facts and circumstances as also the relevant rule regarding grant of arms license, has rejected the prayer of the petitioner vide Memo No. 23 5/Arms, dated 14.01.2020 and thereby has complied the order of this Court.

At this stage, learned counsel appearing for the petitioner submits that in terms of the provisions contained in Schedule II-3, Category (i)I(b), I (c) of the Arms Rule, 2016, the District Magistrate-cum-Licensing Authority, Patna instead of rejecting his prayer for grant of arms license should have forwarded his application to the competent authority i.e. to the Ministry of Home Affairs, Central Government, New Delhi for appropriate orders.

Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, this Court finds that the order of the Court has been complied with and as such this contempt application need not proceed further.



The MJC application, accordingly, stands disposed of.

However, the District Magistrate, Patna is directed to forward the application of the petitioner for grant of license of .38 bore Revolver/Pistol to the Ministry of Home Affairs, Central Government, New Delhi within a period of four weeks from today.

(Arvind Srivastava, J)

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