

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5444 of 2021

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UMESH GUPTA Son of Late Mahendra Saw Resident of Mohalla- Hari
Bagicha, Manpur, Police Station- Buniyadganj, District- gaya

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, patna
2. The Commissioner, Magadh Division, Gaya
3. The District Magistrate, GAYA

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-10-2022 The present writ petition has been filed

challenging the order dated 04.01.2020, passed in

Arms Appeal No. 91 of 2019, by the Divisional

Commissioner, Magadh Division, Gaya, whereby

and whereunder the appeal has been rejected on

the ground of being barred by limitation and there

being a delay of 178 days in filing the appeal.

The learned counsel for the petitioner has
submitted that although the petitioner had filed a
petition for condonation of delay in filing the
appeal, however, the same has not been
considered by the Divisional Commissioner,
Magadh Division, Gaya. It is submitted that for



cogent reasons, the appeal could not be filed within time, as has been explained in the petition, filed by the petitioner for condonation of delay.

The learned counsel for the respondent-State submits that in case, this Court directs for hearing of the appeal on merits, the same shall definitely be heard on merits.

Having regards to the facts and circumstances of the case, this Court, in the interest of justice and taking into account equitable considerations, deems it fit and proper to quash the order dated 4.1.2020, passed in Arms Appeal No. 91/2019 and remand the matter back to the Divisional Commissioner, Magadh Division, Gaya to adjudicate the aforesaid Arms Appeal Case No. 91/20219 on merits.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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