

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9550 of 2021

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Siddharth Sharma son of Siddhnath Sharma Resident of village- Parsurampur,
Police Station- Parasi, District- Arwal

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department,
Government of Bihar, patna
2. The Divisional Commissioner, Magadh Division, Gaya
3. The District Magistrate cum Collector, Arwal
4. The Superintendent of Police, Arwal
5. The Officer in Charge cum S.H.O. of Kinjar Police Station, District- Arwal

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Abhijeet Gautam, Advocate
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-11-2022 The present writ petition has been filed for quashing

the order dated 26.02.2021, passed by the learned

Commissioner, Magadh Division, Gaya, whereby and

whereunder the appeal of the petitioner bearing Arms Appeal
no. 198 of 2020 has been dismissed on account of the same

being barred by limitation.

The learned counsel for the petitioner has submitted
that the petitioner had challenged the order dated 14.02.2020,
passed by the learned District Magistrate, Arwal, by filing the
aforesaid appeal on 20.10.2020 and the delay which had taken
place, was on account of the prevailing situation due to Covid-19



Pandemic but the learned Commissioner has not considered the said aspect of the matter and has instead, dismissed the appeal of the petitioner mechanically on the ground that the same has been filed after a delay of about 136 days.

The learned counsel for the respondent- State has submitted that in case, this Court directs the learned Commissioner to hear the appeal of the petitioner on merits, the same shall be done forthwith.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, this Court finds that the petitioner has shown sufficient cause so as to warrant condonation of delay in filing the appeal before the learned Commissioner, Magadh Division, Gaya and even otherwise, considering the equities and in the interest of justice, this Court finds that the appeal filed by the petitioner is required to be heard on merits, hence, the order dated 26.02.2021, passed by the learned Commissioner, Magadh Division, Gaya in Arms Appeal no. 198 of 2020 is set aside and the matter is remanded back to the learned Commissioner, Magadh Division, Gaya, with a direction to pass a reasoned and a speaking order, in accordance with law, on merits, within a



period of eight weeks of receipt/ production of a copy of this order.

The writ petition stands allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

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