

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1181 of 2018

=====

Arun Kumar Son of Shri Ram Udgar Mahto, Resident of Village-illage-
Raipur Tola Khanwa, Police Station-Ujiyarpur, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Darbhanga
3. The District Magistrate, Samastipur
4. The Superintendent of Police, Samastipur
5. The Sub Divisional Police Officer, Dalsingh Sarai
6. The District Arms Magistrate, Samastipur
7. The Inspector of Police, Dalsingh Sarai
8. The S.H.O., Ujiyarpur

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Vindhyachal Singh, Sr. Advocate

Mr. Vipin Kumar Singh, Advocate

For the Respondent/s : Mr. Md. N.H. Khan- Standing Counsel-1

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 12-07-2022 The present writ petition has been filed seeking to challenge the order dated 29.03.2017 passed by the Commissioner, Darbhanga in Arms Appeal No. 1 of 2017, whereby the Appeal filed by the petitioner has been rejected on the ground of the appeal having been filed after a delay of 17 days, hence being time barred.

The learned senior counsel for the petitioner has submitted that there had been inadvertent delay of 17 days on account of the fact that after rejection of the application of the petitioner for grant of arms appeal by the District



Arms Magistrate, Samastipur vide order dated 13.12.2016, an application was made for obtaining a certified copy of the said order, however, the petitioner had fallen ill during the meantime, and was suffering from Hepatitis and he was advised complete rest for the period 10.02.2017 to 01.03.2017, with regard to which a medical certificate has been annexed as Annexure-13 to the present petition.

In such view of the matter, it is submitted that such small delay in filing the appeal may be condoned in the interest of justice and on equities.

There is no opposition on the part of the respondents.

Having regard to the submissions made by the learned senior counsel for the petitioner and considering the fact that there is a delay of megre 17 days in filing the appeal, I deem it fit and proper to quash the order dated 29.03.2017 passed by the Commissioner, Darbhanga and remit the matter back to him for hearing afresh on merits.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

