

Madan Chaudhari Son of Late Indradev Chaudhari Resident of Kandhwara,
Shree Nagar, P.S.- Siwan Muffasil, District- Siwan.

Versus

1. The State of Bihar
2. The Principal Secretary, Home Department, Govt. of Bihar, Patna.
3. The Commissioner, Saran, Chapra.
4. The District Magistrate, Siwan.
5. The District Arms Magistrate, Siwan.

Appearance :

For the Petitioner/s : Mr.Ravi Bhushan Verma, Adv.
For the Respondent/s : Mr.M. Nasrul Huda Khan (SC 1)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 02-12-2023 Heard the parties.

2. This application has been filed for quashing of the Order No. 1634/Arms/C dated 06.04.2005 passed by the District Magistrate, Siwan which is affirmed by the the Commissioner, Saran Division Chapra dated 01.11.2022 in Arms Appeal Case No. 103 of 2022 by which the Commissioner has rejected the appeal of the petitioner. The District Magistrate has directed to suspend the licence the petitioner bearing Licence No. 85/98, D.B.B.L. LIC No. 79/28.

3. From reading the impugned order dated



01.11.2022 passed by the Commissioner, Saran Division Chapra in Arms Appeal Case No. 103 of 2022, it appears that the appeal has been dismissed only because proper affidavit was not filed by the petitioner in support of his acquittal. Learned counsel for the petitioner has relied upon the order of his acquittal passed by the Lok Adalat and has submitted that the same should be considered by the Commissioner, Saran Division Chapra.

4. Learned counsel for the State has supported the impugned order passed by the Commissioner, Saran Division Chapra and has submitted that the application of the petitioner for grant of Arms Licence has rightly been rejected.

5. I have considered the submissions of the parties and also perused the materials available on record. This application is allowed. The impugned order dated 01.11.2022 passed by the Commissioner, Saran Division in Arms Appeal Case No. 103 of 2022 is hereby quashed.

6. In the interest of justice, the petitioner is given one chance to produce the certified copy of the acquittal order on affidavit in the Court of Commissioner, Saran Division who will consider the case of the petitioner in accordance with law.

7. The consideration must be done by the



Commissioner, Saran Division within two months of receipt/communication of filing all the documents by the petitioner as directed above.

8. With the aforesaid observation and direction, this application is disposed of.

(Sandeep Kumar, J)

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