

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15342 of 2022

Manish Kumar Son of Late Ram Bilas Singh @ Ram Bilash Singh Resident
of Village- Baijnathpur, P.S.- Wajirganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Gaya.
4. The Senior Superintendent of Police, Gaya.
5. The Sub Divisional Police Officer, Sadar, Gaya.
6. The Officer in Charge, Wajirganj Police Station, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Chaudhary, Adv.
For the Respondent/s : Mr. Manoj Kumar, AC to GP-4

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 28-08-2023

The present writ petition has been filed for quashing the order dated 25.9.2022, passed by the learned Divisional Commissioner, Magadh Division, Gaya, whereby and whereunder the appeal, filed by the petitioner, has been dismissed on account of being barred by limitation.

2. The learned counsel for the petitioner has submitted that for cogent reasons, the petitioner could not file the appeal in time, hence, some sympathy be shown and the appeal of the petitioner be directed to be decided on merits.

3. Per contra, the learned counsel for the Respondent-State



has though opposed the prayer made by the petitioner in the present case, however, submits that in case, the matter is remanded back, the learned Divisional Commissioner, Magadh Division, Gaya, shall decide the case of the petitioner on merits.

4. Having regard to the facts and circumstances of the case, I find that in the interest of justice and considering the equities, it would be appropriate that the matter is remanded back to the Divisional Commissioner, Magadh Division, Gaya to decide the Appeal filed by the petitioner on merits, hence, the order dated 25.9.2022, passed by the Ld. Divisional Commissioner, Magadh Division, Gaya, in Arms Appeal No. 74/2018 is quashed, however the matter is remanded back to him for fresh consideration on merits.

5. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.08.2023
Transmission Date	NA

