

110 24.07.2023
NB Ct. 14

WPA 8874 of 2023

Ashoke Saha
Vs.
The State of West Bengal & Ors.

Mr. Lal Mohan Hajra,
Mr. Somesh Panja,
Ms. Anuradha Hazra,
Ms. Moutusi Hazra.
...for the petitioner.
Mr. Sk. Md. Galib,
Ms. Tanwishree Mukherjee.
....for the State.

This is an application under Article 226 of the Constitution of India praying for a direction of the respondent authorities to issue and or grant second arms license of 0.32 bore pistol to the petitioner on the basis of his applications dated 29.08.2013 and 09.12.2020 and quash the impugned order dated 21.03.2017 passed by the Deputy Commissioner of Police (HQ) Barrackpore Police Commissionerate.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner applied for an additional gun license. But, the same was not considered. Pursuant to the order passed by a Coordinate Bench of this Court on 08.03.2017 in WP No.6248(W) of 2017, the Deputy Commissioner of Police (HQ) Barrackpore Police Commissionerate considered the prayer and rejected the same. The petitioner already possesses a gun license and there is no reason why he should be denied a second license for a second gun when according to Arms Act, the petitioner can possess two fire arms.

Learned counsel appearing on behalf of the State relies on a report, which is taken on record, and submits as follows. All through there was a misconception till now that more than one gun license can be issued to one individual. It is true that as per law, an individual can possess two numbers of firearms. However, number of license issued would be one if the two arms are of the same category. Reliance is placed on Section 3 of the Arms Act, Rule 15 and Form B(2) of the Schedule III appended to the Arms Rules. Now that the petitioner already possesses an arms license, if he wants to obtain another arms of the same category, he simply needs to apply in the said Form No. B(2).

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition.

It appears that the application for a second gun license made by the petitioner was misconceived as he was seeking to obtain arms under license for the same category. Therefore, as pointed out by the learned counsel for the State, the petitioner simply needs to file an application in Form B(2) appended to the Arms Rules. There is no requirement for a second gun license.

However, the application shall be made before the concerned authority and be decided in accordance with law. Let the same be decided within two months of the filing of such application.

Accordingly, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)