

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1692 of 2023

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Satish Kumar Son of Ram Yatan Prasad, Resident of Village Kajichak, Ward
No. 24, P.S.- Barh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Patna Division, Patna.
3. The District Magistrate cum District Arms Magistrate, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Sub- Divisional Officer, Barh, District- Patna.
6. The Station House Officer, Barh Police Station, Barh, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sushil Kumar Singh
For the Respondent/s : Mr.Md. Nadim Seraj (Gp5)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT
Date : 22-10-2024

The present writ petition has been filed for quashing the order dated 07.07.2022 passed by the learned Court of Divisional Commissioner, Patna in Arms Appeal Case No. 75 of 2019, whereby and whereunder the appeal filed by the petitioner bearing Arms Appeal No. 75 of 2019, has been dismissed.

2. At the outset, the learned counsel for the petitioner submits that no person can be a judge in his own cause, hence the aforesaid order dated 07.07.2022 is arbitrary and illegal inasmuch as the same person, who has passed the aforesaid order dated 07.07.2022, in the capacity of Divisional



Commissioner, Patna, was the District Magistrate, Patna, at the time he had passed the order dated 25.04.2019, rejecting the application of the petitioner for grant of arms license, which was/is the subject matter of Arms Appeal No. 75/2019. It is thus submitted that the order dated 07.07.2022 is not sustainable in the eyes of law.

3. The aforesaid aspect of the matter has not been controverted by the learned counsel appearing for the respondent-State.

4. Having regard to the facts and circumstances of the case, I find that the same person, who had passed the aforesaid order dated 25.04.2019, while holding the post of District Magistrate, Patna, had got promoted during the interregnum period, whereafter he was posted as Divisional Commissioner, Patna, in which capacity he had the occasion to consider the aforesaid appeal filed by the petitioner against his own earlier order dated 25.04.2019, leading to the impugned order dated 07.07.2022 being passed by him, which on the very face of the records is contrary to one of the principles of natural justice i.e. *Nemo judex in causa sua*. It is well settled law that to make a man judge in his own cause is against all canons of justice. Reference in this connection be had to a judgment reported in



1969(2) SCC 262 (A.K. Kraipak & Ors. vs. Union of India & Ors.).

5. Considering the aforesaid aspect of the matter and for the foregoing reasons, this Court finds that the order dated 07.07.2022 passed in Arms Appeal No. 75 of 2019, is not sustainable in the eyes of law, hence the same is quashed and the matter is remanded back to the learned Divisional Commissioner, Patna, who shall pass a reasoned and a speaking order afresh, after granting an opportunity of hearing to the petitioner, within a period of six weeks of receipt/production of a copy of this order.

6. The writ petition stands allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

S.Sb/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	28.10.2024
Transmission Date	N/A

