

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.35 of 2020

1. The State of Bihar through District Magistrate, Gaya.
2. The District Magistrate, Gaya, District, Gaya.
3. The Arms Magistrate Gaya, District, Gaya.
4. The Superintendent of Police Gaya, District, Gaya.
5. The Officer In-charge Kotwali Police Station District, Gaya.

... .. Petitioner/s

Versus

Krishna Prasad Singh Son of Late Jadu Singh Resident of Mohalla-
Ramdhanpur More, Police Station- Kotwali, District- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P.K. Verma, (AAG-3)
		Mr. Saroj Kumar Sharma (AC to AAG3)
For the Opposite Party/s	:	Mr. Mahendra Thakur, Advocate
		Mr. Krishna Prabhat, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

11 19-06-2025 Heard learned Senior Counsel for the petitioner-State
and the original writ petitioner.

2. The present writ application has been preferred for
the following reliefs:-

*for review of the judgment and
order dated 24.09.2019 passed in CWJC No.
19343/ 2016 (Krishna Prasad Singh) Vs. The
State of Bihar and others) passed by Hon'ble
Mr. Justice Anil Kumar Upadhyay whereby
the court directed " for grant of fresh Arms
licence of the permissible category of Arms
may be issued by the District Magistrate,
Gaya, at the earliest preferably within a
period of 4 months and within a further of
one month, the respondent District
Magistrate, Gaya, shall take a appropriate*



decision by paying the cost of .38 Bore revolver at the rate the petitioner had purchased the same”.

3. As the story unfolds, the writ petitioner Krishna Prasad Singh pursuant to grant of an arms licence no. 1230 date 1988 of NP bore revolver/ pistol, purchased a revolver of Webley & Scott (.38 bore revolver).

4. It is the case of the petitioner that from 1991 till 2009, it was regularly produced before the office of the Arms Magistrate, Gaya and renewed from time to time. In the year 2009, the District Collector, Gaya came out with the advertisement informing that .38 bore revolver comes within the prohibited category and as such those holding it has to surrender it by 17.03.2009 (Annexure P/1 to the writ petition).

5. The case of the writ petitioner is that he diligently surrendered the same. This was seized whereafter he moved before this Court in CWJC No. 9524 of 2010 which came to be disposed of by a bench of this Court (Hon’ble Mr. Justice Samarendra Pratap Singh, as his lordship then was) vide an order dated 14.02.2012 directing the District Magistrate, Gaya to take appropriate decision in the matter within a period of three weeks.

6. This followed the order dated 20.09.2013 by the



District Magistrate, Gaya by which quoting the different circulars/ orders of the state government by which the .38 bore revolver has been put in the prohibited category, the said revolver was seized (Annexure-3 to the writ petition).

7. Still aggrieved, CWJC No. 19343 of 2016 was filed which came to be disposed of on 24.04.2019 by Patna High Court and it would be relevant to incorporate the paragraph nos. 6 to 8 which read as follows:-

6. The petitioner has purchased .38 bore revolver at the relevant time when it was not in the category of prohibited, the respondents may compensate the petitioner by paying cost of the revolver (.38 bore revolver), as the petitioner cannot be made to suffer on account of subsequent change of the position that .38 bore revolver is in the prohibited category.

7. Necessary decision for grant of fresh arms license of the permissible category of arms may be issued by the District Magistrate, Gaya at the earliest preferably within a period of four months and within a further period of one month, the respondent District Magistrate, Gaya shall take appropriate decision to compensate the decision by paying the cost of .38 bore revolver at the rate the petitioner had



purchased the same. In order to obtain compensation for .38 bore revolver, the petitioner has to file appropriate application before the District Magistrate, Gaya along with a copy of this order.

8. With the aforesaid, this application stands disposed of.

8. Now it is the turn of the State Government to approach this Court by filing Civil Review No. 35 of 2020.

9. Learned Senior Counsel representing the State of Bihar submits that admittedly, when the .38 bore revolver was in the list of prohibited arms, pursuant to the grant of license in the year 1988, the petitioner should have refrained from purchasing the said revolver and as such when he knowingly possessed it, it has rightly been seized. Thus he cannot be compensated.

10. Per contra, learned counsel representing the writ petitioner submits that under bonafide belief that it is not under prohibited category, the same was purchased in the year 1991. He submits that thereafter, the writ petitioner presented the revolver from time to time before the office of the Arms Magistrate, Gaya for renewal and the same was renewed accordingly. He submits that at no point of time, it was informed to him that it comes under prohibited category. This renewal



took place till the year 2009.

11. Upon query by this Court from the learned Senior Counsel as to how, when the petitioner purchased the prohibited .38 bore revolver in the year 1991, it was renewed up till the year 2009 by the office of the Arms Magistrate, Gaya and in that background, whether, any action has been taken against those officials who kept on renewing the license, the answer is in negative.

12. In that background, though the writ petitioner was found having purchased the prohibited revolver, his case is that under bonafide belief that the same is not under the prohibited category, the purchase was made and the moment the advertisement came out, he surrendered the same. This Court cannot ignore the fact that in between, the arms license got renewed upto the year 2009. It was in the aforesaid background that the writ Court directed the State Government to compensate the petitioner.

13. However, in the opinion of this Court, instead of directing the State government to compensate the petitioner, it would be appropriate that the said seized revolver of the petitioner be auctioned. The date of the said auction be informed to the petitioner in time so that he remains present there. The



amount that comes from the said action of .38 revolver has to be handed over to the petitioner after checking his credentials. The entire process has to be completed within the next three months as the matter is lingering from the Court to the office of the District Collector, Gaya for last one decade. In case those entitled to possess .38 bore revolver do not come forward on the day of action, the only alternative left with the respondents shall be to pay an appropriate amount to the petitioner though taking into account the age of the revolver as it was purchased almost three decades ago.

14. Before parting, this Court cannot overlook the fact that the office of the Collector, Gaya deliberately chose to ignore the fact that irregularities were committed in his/her own office inasmuch as from 1991 to 2009, the prohibited revolver license was renewed from time to time upon its presentation. This may not be the one off case and there must be other people also possessing the prohibited revolved forcing the Collector, Gaya to publish the advertisement (Annexure -1 to the writ petition). In such cases, if the State administration takes action against an individual/ citizen possessing prohibited arms, it is equally important for him/her to initiate action against those sitting in the office renewing the same from time to time.



15. This order has been passed in the particular facts and the circumstances and only because the prohibited revolver arms license continued to be renewed for almost two decades and this will not have any bearing in other cases.

16. The review petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

Raj Ranjan/-

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