

In The Court of Commissioner, Saran Division, Chapra
Arms Appeal No. 38/2018
Arun Kumar Singh
Vrs.
The State of Bihar

ORDER

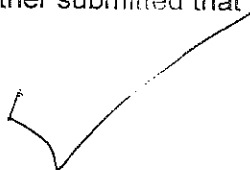
The instant appeal petition is directed against the impugned order passed by D.M. Siwan as contained in memo No.III-13/2017-97/Arms, dt. 25.01.2018 signed by Arms Magistrate, Siwan whereby and whereunder arms licence No. 51/2008 for pistol standing in the name of the appellant has been cancelled.

The brief facts of the case are that the appellant Arun Kumar Singh S/o late Brij Nandan Singh, R/o Vill-Paigambarpur, P.S.-Hussainganj, Dist-Siwan having presently employed as Block teacher, Middle School, Sahdulepur in the district Siwan. Further case is that on 19.08.2017, the school was inspected by BEO, Hussainganj and on finding that the appellant was absent from duty, he crossed the attendance of the appellant. On being dissatisfied with the said action of BEO, there is allegation that the appellant pulled his pistol on the BEO. This led to filing of on FIR vide Hussainganj P.S. case No. 224/2017 and the matter was reported to the D.M. Siwan and police officers. Thereafter, the licencing authority, the D.M., Siwan taking cognisance on the reported incident issued a show cause notice to the appellant and on finding the show cause reply submitted by the appellant to be unsatisfactory, he suspended the said arms licence and the said order was communicated to the appellant by Arms Magistrate, Siwan. Feeling aggrieved by the said order, the present appellant has preferred the instant appeal before this Court.

Heard the learned counsel for the parties.

The learned counsel appearing on behalf of the appellant submitted that the appellant's arms licence has been suspended on the basis of a false case filed by the BEO against the appellant. He further argued that the appellant has never used and threatened anyone by his Pistol and he has never violated the terms and conditions of arms licence. The learned counsel further submitted in detail about the whole incident leading to lodging of a criminal case against the appellant by BEO, Hussainganj vide Hussainganj P.S. case No. 224/17 and the said case was termed by him as a false case. He also argued that no case has been instituted against the appellant in the past for misuse of arms. The learned counsel also submitted that though, the appellant has filed a detailed show cause reply before the Arms Magistrate, Siwan but the arms licence has been suspended without considering the material available on the record. He further drew the attention of the Court towards the settled principle that licence of arms can not be suspended or cancelled simply after institution of FIR. He lastly prayed that for the end of justice the impugned order be set aside.

The learned A.P.P. appearing on behalf of the state, strongly opposed the submission made by the learned counsel for the appellant and submitted that the appellant used his Pistol to threaten his senior officer leading to institution of FIR vide Hussainganj P.S. case No. 224/17. He further submitted that the appellant has failed to



satisfy the licencing authority through his show cause reply that the allegation levelled against him was false. He lastly said that impugned order is fit to be upheld.

Considering the facts and circumstances of the case, material available on records, pleadings forwarded by the learned counsell for the parties and on perusal of the impugned order, it is seen that the appellants licence has been suspended by the licencing authority for the alleged charge that he used the said Pistol to threaten his superior officer BEO. There is no denial of the fact by the appellant that FIR lodged vide Hussainganj P.S. case No. 224/17 against him for the alleged charges of misuse of arms is a false case. Moreover, from the materials available on record show that the appellant used to carry his arms regularly in his school without obtaining any special permission thereby his said conduct is against the provision of Arms Rules-2016. What is more under the relevant provision of arms rules-2016, the educational premises have declared as a prohibited area in which for carrying any arms, special permission is needed. Thus, it appears that the appellant has violated the provision of Arms Rules and the suspension of his arms licence seems to be justified.

For the aforementioned reasons, the impugned order is upheld.

Accordingly, this appeal petition stands dismissed.

Dictated and Corrected by me.


Commissioner
Saran Division, Chapra.


Commissioner
Saran Division, Chapra.