

In The Court of Commissioner, Saran Division, Chapra
Arms Appeal No. 172/2016
Laxman Singh
Vrs.
Vinod Kumar Singh
ORDER

The instant appeal petition is directed against the impugned order passed by D.M. Saran in Misc. case (Arms case No) 05/2013 on 13.08.2015.

The brief facts of the case are that the appellant Laxman Singh S/o Ram Jatan Singh R/o Vill-Bhajauna, P.S.-Manjhi, Dist-Saran was holding an arms licence No. 83/87 of SBBL Gun. Further case is that one Vinod Kumar Singh S/o Ram Pukar Singh R/o Vill-Bhajauna, P.S.-Manjhi, Dist-Saran filed a complaint petitioner before D.M. Saran with a prayer to cancel the arms licence of the appellant. In the said complaint petition the complainant specifically prayed for cancelling the licence of the appellant as the appellant was convicted in S.T. No. 135/2001 by ADJ, Chapra and also attached the copies of the conviction order passed on 23.04.2012 and 24.04.2012. Thereafter, the learned D.M. after hearing the case finally vide order dated 13.08.2015 ordered for cancellation of the said licence standing in the name of the appellant. Feeling aggrieved by the said order the appellant has preferred the instant appeal before this Court.

Heard the learned counsel for the appellant and learned Addl. P.P.

The learned counsel appearing on behalf of the appellant at the very outset of his argument submitted that the impugned order of D.M. Saran is legally not sustainable as the same has been passed without considering the relevant documents available on the record. He further submitted that the appellant is an ex-service man and the respondent had filed a baseless and concocted complaint before D.M. Saran for cancelling the licence of the appellant as there was several criminal cases were pending between them. He also argued that on 04.12.1988 appellant was posted at 7th Bihar Battalion NCC at Chapra and his SBBL Gun was deposited in the unit and a receipt was also issued by the commanding officer. He further said that the learned D.M. wrongly interpreting the Govt. letter of the Home deptt. Govt. of Bihar has cancelled the licence which is arbitrary as such the impugned order is fit to be set aside.

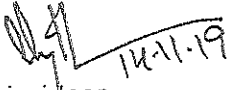
The learned A.P.P. appearing on behalf of the state, while opposing, the arguments advanced by the learned counsel for the appellant, submitted that the appellant's licence has been cancelled due to his conviction in a criminal case. As such the appellant does not deserve to be considered to hold arms licence. The learned D.M. Saran has passed a reasoned and speaking order having no scope of interference. He further said that the appellant being a convicted person does not deserve to hold arms licence any more.

Considering the facts and circumstances of the case, material available on records and on going through the averments made by the parties, it appears that the appellant's arms licence has been cancelled on the ground that he was convicted earlier in a criminal case. It appears that the learned D.M. is correct in holding that the appellant is not competent to hold an arms licence as he has been earlier involved in its misuse and he has been also convicted in criminal case vide S.T. No. 135/01 from the Court of learned ADJ-11, Saran. The learned D.M. also specifically mentioned in his order that as per instruction of Govt. the appellant licence has

been cancelled. I do not find any apparent error in the said findings of learned D.M. Saran. In fact arms licence are normally issued by the licencing authority on his subjective satisfaction. In the instant case it is quite obvious that the D.M. Saran acting as licencing authority has passed a reasoned and speaking order. Even the learned counsel for the appellant also failed to furnish substantial reasons regarding need of licence.

In the light of abovementioned facts, I do not find any illegality in the impugned order, hence the same is upheld and this appeal being completely devoid of merit is dismissed, accordingly.

Dictated and Corrected by me.



Commissioner
Saran Division, Chapra.



Commissioner
Saran Division, Chapra.