

**In The Court of Commissioner, Saran Division, Chapra**

**Arms Appeal No. 233/2012**

**Rabindra Kumar Singh**

**Vrs.**

**The State of Bihar.**

**ORDER**

13.06.2015. The instant appeal petition is directed against the impugned order passed by D.M., Saran passed on 14.07.2012 in Arms Case No. 04/2007.

The brief facts of the case are that Rabindra Kumar Singh S/o Raghunath Pd. Singh R/o Village- Khoradih , P.S.- Kopa, Dist- Saran had filed a representation before the D.M., Saran alongwith certified copy of the common order dated 27.03.2012 passed by this court in two Arms Appeal cases Nos. 29/2009, 30/2009 (Rabindra Kumar Singh Vrs. The State of Bihar through D.M., Saran) on 27.03.2012 in which the earlier order of the D.M., Saran were set aside and matter was remitted back in the court of D.M., Saran for fresh consideration and decision. Further case of the appellant is that the D.M., Saran after considering the matter decided to grant the licence of Revolver/pistol to the appellant vide order dated 14.07.2012 and refused to grant the licence for Rifle. Feeling aggrieved by the said refusal of licence in respect of Rifle, the appellant has preferred this appeal.

Heard the learned counsel for the parties.

The appellant in this case himself being a practioner advocate, at the very outset of his argument, submitted that the impugned order of the D.M., Saran, relating to refusal to grant the licence of Rifle while reconsidering the case on remand from this court is highly illegal and improper. He further argued that although, the Arms Act itself says that a licencee can hold three arms and as such he qualifies for the licence of Rifle also. But the said licence was denied to him. He also argued that the learned D.M. without considering the case properly and completely ignoring the remand order of this court rejected his prayer/claim for the licence which is very much illegal and needs to be set aside. He also pleaded that the learned D.M., Saran has not recorded the reasons for refusal of licence. The learned counsel also referred some of the reported orders/judgements of Hon'ble High Court, Patna in support of his contention. He lastly submitted that the impugned order is liable to be set aside.

The learned A.P.P. appearing on behalf of the respondents submitted that the appellant is already has a Revolver licence and as such the learned the D.M. on finding that one arms is sufficient for the safety and security of the appellant, he refused to grant the licence for Rifle.

Considering the facts and circumstances of the case and on going through the written statements filed by the appellant, it is seen that the appellant has been hankering for arms licence for last so many years and ultimately when the licensing authority the D.M., Saran refused to grant a licence for any fire arms the appellant had approached this court in appeal. It is also clear from the remand order of this court that this court did not given and any specific direction to the licensing authority to grant

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licence to the appellant rather this court only remitted the matter back to the D.M., Saran for fresh consideration and decision. So the plea taken by the appellant that only one licence of Pistol/Revolver was granted by the D.M. after consideration of the remand order of this court is not wholly true. In fact, the licence to an individual is granted by the licensing authority subject to fulfilment of certain conditions laid down in section 13 of the Arms Act-1959 and similarly conditions are also laid down in section-14 of the Act under which licence can be refused. But it has been made mandatory for the licensing authority to record in writing the reasons for such refusal by subsection (3) of section 14 of the Act. It is seen from the record of D.M. Saran that the appellant has already been granted licence for Revolver/ Pistol and appellant's request for another arms i.e. for Rifle has been turned down. It is almost settled position that licensing authority is competent to grant Arms licence to an individual only after arriving at the subjective satisfaction only after assessing the threat perception relating to life and property of the person seeking licence. Admittedly the appellant has already been granted a licence for Revolver/ Pistol. The impugned order passed by the D.M. Saran reads thus " Application for revolver/Pistol is already granted. Disposed." This order categorically shows that the licensing authority was of the impression that as the petitioner had already been granted the licence for revolver/Pistol, he refused the prayer for grant of licence of Rifle. I do not find any apparent error in the said findings of learned D.M. Saran.

For the aforesaid reasons the impugned order of D.M. Saran is upheld and accordingly this appeal petition is dismissed.

Dictated and Corrected by me.

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13.6.15

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Saran Division, Chapra

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