

In The Court of Commissioner, Saran Division, Chapra

Arms Appeal No. 139/2012

Rabindra Kumar

Vrs.

The State of Bihar.

ORDER

13.06.2015 The instant appeal petition is directed against the impugned order contained in Memo No. 759/c. dated 06.04.2005 whereby and whereunder the arms licence of the appellant was cancelled.

The brief facts of the case are that Ravindra Kumar S/o Jivan Yadav R/o Village-Mahuari, P.S.- Siwan Muffasil, Dist- Siwan was granted an arms licence of N.P. Bore Rifle but as per the appellant he could not purchase the said arms due to death of his elder brother. In the meantime, on the eve of Bihar Legislative Election- 2005 a general notice was issued by the D.M., Siwan directing all the arms licensee of the district to file an affidavit till 14.03.2005 as to whether any criminal case has been lodged against them or not and if lodged, the details of the same be mentioned in the said affidavit. The appellant claimed to have filed the affidavit on 10.03.2005 but the said licence was stated to have been cancelled by the D.M., Siwan. Feeling aggrieved by the said cancellation order, the appellant has preferred this appeal before this court.

Heard the learned counsel for the parties.

The learned Counsel appearing on behalf of the appellant submitted that in compliance of the D.M.'s order, the appellant filed an affidavit on 10.03.2005 vide affidavit No. 01/10.03.05 stating therein that no case was instituted or pending against the appellant in any court. He further argued that the appellant also stated in his affidavit that due to illness of the appellant he could not purchase the rifle but without considering these facts the appellant's licence was cancelled by the D.M, Siwan. He also submitted that the D.M. neither issued any show cause notice to the appellant nor given any opportunity to hear the appellant and cancelled the licensee on the ground that no affidavit was filed by the appellant. The learned counsel further assailing the impugned order, submitted that the impugned order is bad in law and facts and against the actual state of affairs and the impugned order has been passed without affording any opportunity to the appellant. He lastly prayed that the impugned order be set aside and appellant's licence be restored.

The learned A. P.P. appearing on behalf of the D.M., Siwan while supporting the impugned order, submitted that as the appellant's failed to purchase the arms after grant of licence and his failure to comply with the order of licensing authority, his licence was cancelled.

Considering the facts and circumstances of the case, material on records and pleadings advanced by the learned counsel for the parties, it is seen that the appellant's licence was cancelled as he failed to comply with the directions/order of the licensing authority. Although, the appellant claims to have complied with the order of licensing authority but nothing is available on record to show that the appellant had complied with the order. The learned counsel also failed to point out any specific allegation in the impugned order.

For the aforesaid reasons I do not find any ground to make interference in the impugned order of D.M. Siwan. Accordingly the same is upheld and this appeal petition is dismissed. Dictated and Corrected by me.

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