

In The Court of Commissioner, Saran Division, Chapra
Arms Appeal No. 120/2014
Bindeshwari Rai
Vrs.
State of Bihar
ORDER


02.04.2016-

The instant appeal petition is directed against the impugned order passed by D.M. Saran on 09.01.2014 in a case bearing No. File No. 36-33/2013 (Bindeshwari Rai, Vill-Shikarpur, P.S. Bheldi, Dist-Saran) whereby and whereunder the appellant's application dt. 15.01.2007 for grant of an Arms licence of Rifle was rejected.

The brief facts of the case are that the present appellant Bindeshwari Rai S/o Late Ram Nagina Rai, R/o Vill-Shikarpur, P.S.-Bheldi, Dist-Saran had filed an application for grant of an arms licence of Rifle before the licencing authority, the D.M. Saran on 15.01.2007. Thereafter, the required reports, including report from S.P. Saran, were called for. However, no decision could be taken by the D.M. Saran on the said application. Then petitioner preferred CWJC No. 8094/2013 before Hon'ble High Court with the grievances that his said application submitted before D.M. in 2007 has not been considered and no final order has been passed. Then the Hon'ble High Court while disposing of the said writ petition on 30.07.2013, directed the D.M. Saran to take cognizance of application of the petitioner for issue of Arms licence and pass appropriate order in accordance with law. This led to initiation of the matter again at the level of D.M. Saran and who after considering the entire reports available on records finally vide his order dt. 09.01.2014 rejected the said application of the appellant holding therein that there was on serious threat to the appellant or his family members nor any earlier incident has been brought in cognizance. Feeling aggrieved by the said order, the appellant has preferred to file this appeal before this Court.

Heard the learned counsel for the parties.

The learned counsel appearing on behalf of the appellant assailed the impugned order by saying that the said order has been passed without considering the reports of the various authorities as well as report of S.P. Saran who had recommended for the grant of arms licence in view of the threat to the life/property of the appellant. He further highlighting the need of arms licence to the appellant submitted that the appellant is an ex-Mukhia and at present his wife Sharda Devi is Mukhia of Gram Panchayat Tarwara and as the residence of appellant falls in the Maoist affected Bheldi P.S., the appellant needs arms licence of Rifle for his safety and security of life and property. It is also submitted by the learned counsel that the said application for grant of licence has been rejected by the learned D.M. Saran on the ground that the appellant does not have any threat perception which is highly improbable to judge at particular time as such the said vague findings of fact relating to threat perception is not correct. He further argued that the appellant is a peace loving people having no criminal antecedent, he should have been granted an arms licence but the learned D.M. Saran without taking into account all these facts, refused to grant the licence as such the said order of D.M. Saran dt. 09.01.2014 is fit to be set aside and he be directed to consider the case of the appellant a fresh.



The learned A.P.P. appearing on behalf of D.M. Saran submitted that as the appellant failed to satisfy the licencing authority about the threat perception, his said application has been rejected as per the instructions contained in the letter issued by the Ministry of Home affairs Govt. of India. New Delhi.

Considering the facts and circumstances of the case, material available on records, arguments advanced by the learned counsel for the parties and on perusal of the impugned order, it is seen that the appellant's application for grant of arms licence has been rejected mainly on the ground of his failure to satisfy the licencing authority, the D.M. about his alleged threat perception. Obviously the said findings of the licensing authority seems to be just and proper as nothing is available on the record to suggest that the appellant or his family had any threat perception during the time of consideration of his said application or in the past so he should have been granted an arms licence for his safety and security as held by the licencing authority. Apart from that the learned counsel for the appellant failed to point out any specific illegality in the impugned order of D.M. Saran other than questioning the genuineness of presumption of D.M. Saran about the threat perception of the appellant and also contended that the same can not be a reason for refusal of arms licence.

Thus, for the aforementioned reasons, I am not inclined to make any interference in the said impugned order for the lack of any substantial ground or reasons. As such the impugned order is upheld and this appeal petition being devoid of any merit is dismissed accordingly.

Dictated and Corrected by me.

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Saran Division, Chapra

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