

In The Court of Commissioner, Saran Division, Chapra
Arms Appeal No. 49/2015
Prakash Narayan
Vrs.
State of Bihar
ORDER

16.06.2016 — The instant appeal petition is directed against the impugned order of D.M. Siwan, as contained in memo No. 559/C dt. 06.04.2005 whereby and whereunder the arms licence No. 27/83 for D.B.B.L. Gun standing in the name of the appellant Prakash Narayan, S/o Late Khomari Singh R/o Vill-Harsar, P.S. Darandha, Dist-Siwan was cancelled for the failure of the petitioner to comply with the general notice issued for filing of an affidavit with respect to whether any criminal case was pending or not against the licencee.

Heard learned lawyer of the appellant and A.P.P. on behalf of state.

Learned lawyer of the appellant submitted that before passing the impugned order, opportunity of hearing was not accorded to appellant which is against the principle of natural justice.

The learned A.P.P. submitted that this type of cases earlier remanded to District Magistrate, Siwan for passing order in accordance with law.

Considering all facts and circumstances of the case the impugned order is set aside and the matter is remitted back to the learned District Magistrate, Siwan for passing fresh orders in accordance with established principle of law, after hearing the parties

After suspension/cancellation of above Arms licence, Arms deposited or not by the appellant shall be examined by the lower Court thoroughly and with this observation appeal petition is disposed of.

Dictated and Corrected by me.

b/16.6.16

Commissioner,
Saran Division, Chapra

b/16.6.16

Commissioner,
Saran Division, Chapra