

(2011) 07 PAT CK 0210
In the Patna High Court
Case No : CWJC No. 15615 of 2010

Bishwanath Yadav @ Bishwanath Singh APPELLANT
Vs
The State of Bihar and Others RESPONDENT

Date of Decision : 15-07-2011

Acts Referred:

Arms Act, 1959 — Section 27
Penal Code, 1860 (IPC) — Section 147, 148, 149, 301, 302

Citation : (2012) 1 PLJR 65

Hon'ble Judges : Jyoti Saran, J

Bench : Single Bench

Judgement

Jyoti Saran, J.—Heard learned counsel for the parties.

2. The petitioner has filed this writ petition for quashing the order dated 15.11.2006 passed by the respondent no. 3 the District Executive Magistrate, Rohtas at Sasaram in Arms Case No. 2 of 2003, whereby he has cancelled the licence of the rifle of the petitioner bearing Licence No. 25/Bistopur Rifle No. 803030-315, inter alia, on grounds of institution of a criminal case arising out of Kargahar P.S. Case No. 144 of 2000 for the offence punishable under Sections 147, 148, 149, 341, 301, 302 of the Indian Penal Code and Section 27 of the Arms Act giving rise to Sessions Trial No. 320/57 of 2006/2007.

3. It is submitted that the aforesaid criminal case has been disposed of and the petitioner and other accused persons have been acquitted of all the charges. The judgment of the trial court is placed at Annexure-6 to the writ petition.

4. It is further submitted that it is at this stage that the petitioner approached the District Magistrate, Sasaram and filed a representation on 10.8.2009 for restoration of his arms licence. The same having remained pending, has resulted in the filing of the present writ petition.

5. A counter affidavit has been filed on behalf of the respondent no. 4 the Superintendent of Police, Rohtas, who feigns ignorance as regarding the outcome

of the representation filed by the petitioner placed at Annexure-7. No counter affidavit has been filed on behalf of the District Magistrate, Rohtas.

6. In the circumstances, the writ petition is disposed of with the liberty to the petitioner to file a fresh representation before the respondent no. 2 the District Magistrate, Rohtas at Sasaram enclosing a copy of the judgment passed by the trial court together with the prayer for restoration of the licence of his rifle and which shall be considered and disposed of in accordance with law within a period of six weeks from the date of filing of the representation.