

In The Court of Commissioner, Saran Division, Chapra
Arms Appeal No. 70/2015
Mahboob Alam Khan
Vrs.
The State of Bihar

ORDER

08-07-2015-Above Arms Appeal is directed against the order of learned District Magistrate Siwan as contained in memo No. 1226/Arms dt. 06.04.2005.

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 nature justice and furthermore he could not have been informed about the said cancellation of the license rather the same has been renewed thereafter for quite some time.


The learned A.P.P. submitted that this type of cases were earlier remanded to the District Magistrate, Siwan hence this case also be remanded back to District Magistrate, Siwan for passing order in accordance with law.

Considering all facts and circumstances of the case appeal is remanded to learned District Magistrate, Siwan for reconsideration and to pass order in accordance with established principle of law, after hearing the parties. Moreover, the learned D.M. is directed to identify the official and staff responsible for such mistake resulting in the renewal of license which was cancelled much before in the year 2005. Thus, it is required that action needs to taken against such erring employees.

For the aforesaid reasons it is also essential that 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.


Commissioner,
Saran Division, Chapra


Commissioner,
Saran Division, Chapra