

**In The Court of Commissioner, Saran Division, Chapra**  
**Arms Appeal No. 26/2015**  
**Md. Imammuddin**  
**Vrs.**  
**The State of Bihar**  
**ORDER**

09.03.2016-

The instant petition is directed against the impugned order passed by the D.M. Saran as contained in memo No. 19/arms dt. 08.08.2014 whereby and whereunder the appellants application for grant of an Arms license for Rifle was rejected.

The brief facts of the case are that Md. Imammuddin S/o Late Md. Zakaria R/o East Rouza, P.S. Chapra Town, Dist-Saran filed an application before D.M. Saran for grant of an Arms license for Rifle so that he could able to retain the arms which was earlier existing in the name of his Late father in order to keep the same as memorial. A report was sent by S.P. Saran vide letter No. 3075/conf. dt. 12.09.2012 and pursuant to that a proceeding was initiated and the petitioner was heard during the proceeding. However, the learned D.M. on finding that the appellant does not have any threat to his life or property nor against his any other family members and the appellant does not reside permanently on the address furnished by him rather he reside at Patna to carry out his tailoring profession, he rejected the said application. Feeling aggrieved by the said order the appellant has preferred the present appeal case before this Court.

Heard the learned counsel for the parties.

The learned counsel appearing on behalf of the appellant, at the very outset of his argument, submitted that the impugned order of D.M., Saran dated 08.08.2014 relating to refusal of the grant of licence is illegal and arbitrary and the same is fit to be set aside. He further submitted that the learned D.M. ought to have not refused the said application for Rifle because there is no any Criminal Case pending against the appellant nor there is any adverse report of any authority against the appellant. He further assailed the impugned order by saying that the same has been passed in a casual manner without considering the reports of various authorities who had recommended for the licence. He also argued that no reason has been assigned by the D.M. as to how he came to know that the applicant does not have any threat to his life and property. But the fact is that the appellant's resident is near the bank of a river and he lives in constant fear. He lastly prayed that as the appellant wants to keep the gun as memorial which was in the name of his late father, he could have been granted licence and there is nothing wrong in that.

The learned APP, on the other hand, forwarded that the appellant's prayer may be considered in view of his request and in the light of the merit in his claim.

Considering the facts and circumstances of the case, material available on record, pleadings advanced by the learned counsel for the parties and on perusal of the impugned order, it appears that the application of the

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appellant for grant of licence has been rejected on the ground that from the report of S.P., Saran it was not clear as to whether any ~~serious~~ danger is looming large over the appellant and neither any previous incident with the appellant has been reported nor any threat is apprehended on any other members of the family. Obviously, the above inference of the licensing authority results from his own assessment of threat perception by the licensing authority and the same can not be disputed as it is he who has been vested with the power as licensing authority to assess the need of licence to an individual by independent application of mind. It is seen that the learned D.M. has recorded the reasons for his conclusion that the appellant does not have any threat perception on the basis of the report of S.P., Saran as in that report nothing has been mentioned about any untoward incident with the appellant leading to believe him that there is any threat of safety and security. Certainly, this finding of D.M., Saran as licensing authority can not be termed as arbitrary or illegal. The other important point is that the appellant want Arms licence not for his safety rather to keep the same as memorial as the said Rifle was earlier standing in the name of his late father which must be discouraged as this should not be a condition for seeking arms licence. Thus, I find that the learned D.M., Saran has passed a detailed and reasoned order having no scope of interference. Accordingly, the impugned order is upheld and this appeal being devoid of any merit is dismissed.

Dictated and Corrected by me.

*9-3-16*  
Commissioner  
Saran Division, Chapra.

*9-3-16*  
Commissioner  
Saran Division, Chapra.