

In The Court of Commissioner, Saran Division, Chapra
Arms Appeal No. 61/2015
Abhay Kumar Singh
Vrs.
State of Bihar
ORDER

16.06.2016 - The instant appeal application is directed against the impugned order passed by D.M. Saran in Arms case No. 37 on 08.08.2014 whereby and whereunder the appellants application for grant of Arms Licence for Rifle was rejected.

The brief facts of the case are that the father of the appellant Abhay Kumar Singh, named Kameshwar Singh R/o Imamganj, P.S.-Chapra Town, Dist-Saran filed an application before D.M. Saran stating therein that as he has become old and hence he wants to transfer the arms standing in his name to his son as such he may be granted an arms licence for N.P. Bore Rifle. Thereafter, a police report was called for, S.P. Saran sent his report vide letter No. 36/conf. dt. 05.01.2008 and this led to initiation of the case and finally vide order dt. 08.08.2014, the said application for grant of arms licence was rejected by the D.M. Saran on the ground that the appellant and his family had no threat to their life and property. Feeling aggrieved by the said order, the appellant has preferred the present appeal before this Court.

Heard the learned counsel for the parties.

The learned counsel appearing on behalf of the appellant submitted that despite favourable reports from all police authorities the said application for grant of licence has been rejected by the D.M. Saran for which no reason have been assigned. He further submitted that the said rejection order has been passed with malafide intention and ulterior motive. The learned counsel further argued that the said order has been passed after lapse of years together which is in complete violation of judicial pronouncements in this respect and he further cited many rulings in support of his said contention and also on the point that application for grant of arms licence can not be refused merely on the ground that there is no apparent threat perception on the person seeking arms licence. He lastly submitted that as the impugned order has been passed without assigning cogent reasons, the said order becomes arbitrary, illegal and fit to be set aside.

The learned Spl. P.P. appearing on behalf of the state, submitted that the impugned order is reasoned, valid and proper as the appellant has failed to satisfy the licencing authority about the so called threat perception for which he deserves to be granted an arms licence.

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 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

k

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 is hankering for Arms licence not for his safety rather to keep the said arms of his father standing in his name 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.

b/16.6.16
Commissioner,
Saran Division, Chapra

b/16.6.16
Commissioner,
Saran Division, Chapra